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OFFICE CONSOLIDATION

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**Crown Employees
Collective
Bargaining Act, 1993**

**Loi de 1993 sur la
négociation
collective des
employés de la
Couronne**

Statutes of Ontario, 1993
Chapter 38

Lois de l'Ontario de 1993
Chapitre 38

as amended by:
1995, Chapter 1, ss. 11-70;
2001, Chapter 7, ss. 16-18;
2001, Chapter 13, s. 13

tel qu'il est modifié par :
les art. 11 à 70 du chap. 1 de 1995;
les art. 16 à 18 du chap. 7 de 2001;
l'art. 13 du chap. 13 de 2001

and the following Regulations (as amended):

et les règlements suivants (tels qu'ils sont modifiés) :

General (R.R.O. 1990, Reg. 258)

Rules of Procedure (R.R.O. 1990, Reg. 259)

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PART I INTERPRETATION AND APPLICATION

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- 1. (1) In this Act,

“Crown employee” means a Crown employee as defined in the *Public Service Act*, 1995, c. 1, s. 12 (1).

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PARTIE I INTERPRÉTATION ET APPLICATION

Définition

- 1. (1) La définition qui suit s'applique à la présente loi.

«employé de la Couronne» S'entend d'un employé de la Couronne au sens de la *Loi sur la fonction publique*, 1995, chap. 1, par. 12 (1).

“Crown”

(1.1) References to the Crown in this Act shall be deemed to include a reference to the agencies of the Crown to which the Act applies. 1995, c. 1, s. 12 (2).

Definitions in *Labour Relations Act, 1995*

(2) Definitions in subsection 1 (1) of the *Labour Relations Act, 1995* apply to terms used in this Act. 1993, c. 38, s. 1 (2); 1995, c. 1, s. 12 (3).

Application

1.1 (1) This Act applies with respect to,

- (a) Crown employees and their bargaining agents;
- (b) the Crown and those agencies of the Crown that are designated under clause 29.1 (1) (a) of the *Public Service Act*; and
- (c) agencies of the Crown that are not designated under clause 29.1 (1) (a) of the *Public Service Act* that employ Crown employees. 1995, c. 1, s. 13.

Non-application

- (2) This Act does not apply with respect to,
 - (a) individuals who are not Crown employees;
 - (b) agencies of the Crown that are not designated under clause 29.1 (1) (a) of the *Public Service Act* that employ only individuals who are not Crown employees. 1995, c. 1, s. 13.

Same

(3) This Act does not apply with respect to the following:

1. Members of the Ontario Provincial Police and public servants who either are instructors at the Ontario Police College or who are under the supervision of the Commissioner of the Ontario Provincial Police or of the Chief Firearms Officer for Ontario and who are represented by the Ontario Provincial Police Association for purposes of collective bargaining.
2. Employees of a college of applied arts and technology.
3. Architects employed in their professional capacity.
4. Dentists employed in their professional capacity.
5. Lawyers employed in their professional capacity.
6. Physicians employed in their professional capacity.

«Couronne»

(1.1) Les mentions de la Couronne dans la présente loi sont réputées inclure une mention des organismes de la Couronne auxquels s'applique la Loi. 1995, chap. 1, par. 12 (2).

Définitions de la *Loi de 1995 sur les relations de travail*

(2) Les définitions figurant au paragraphe 1 (1) de la *Loi de 1995 sur les relations de travail* s'appliquent aux termes utilisés dans la présente loi. 1993, chap. 38, par. 1 (2); 1995, chap. 1, par. 12 (3).

Application

1.1 (1) La présente loi s'applique à l'égard :

- a) des employés de la Couronne et de leurs agents négociateurs;
- b) de la Couronne et des organismes de la Couronne qui sont désignés en vertu de l'alinéa 29.1 (1) a) de la *Loi sur la fonction publique*;
- c) des organismes de la Couronne qui ne sont pas désignés en vertu de l'alinéa 29.1 (1) a) de la *Loi sur la fonction publique* et qui emploient des employés de la Couronne. 1995, chap. 1, art. 13.

Non-application

(2) La présente loi ne s'applique pas à l'égard :

- a) d'une part, des particuliers qui ne sont pas des employés de la Couronne;
- b) d'autre part, des organismes de la Couronne qui ne sont pas désignés en vertu de l'alinéa 29.1 (1) a) de la *Loi sur la fonction publique* et qui n'emploient que des particuliers qui ne sont pas des employés de la Couronne. 1995, chap. 1, art. 13.

Idem

(3) La présente loi ne s'applique pas à l'égard des personnes suivantes :

1. Les membres de la Police provinciale de l'Ontario et les fonctionnaires qui sont des instructeurs au Collège de police de l'Ontario ou qui sont sous la supervision du commissaire de la Police provinciale de l'Ontario ou du contrôleur des armes à feu de l'Ontario et que l'Association de la Police provinciale de l'Ontario représente à des fins de négociation collective.
2. Les employés des collèges d'arts appliqués et de technologie.
3. Les architectes employés en leur qualité professionnelle.
4. Les dentistes employés en leur qualité professionnelle.
5. Les avocats employés en leur qualité professionnelle.
6. Les médecins employés en leur qualité professionnelle.

7. Provincial judges.
8. Persons employed as a labour mediator or labour conciliator.
9. Employees exercising managerial functions or employed in a confidential capacity in relation to labour relations.
10. Persons employed in a minister's office in a position confidential to a minister of the Crown.
11. Persons employed in the Office of the Premier or in Cabinet Office.
12. Persons who provide advice to Cabinet, a board or committee composed of ministers of the Crown, a minister or a deputy minister about employment-related legislation that directly affects the terms and conditions of employment of employees in the public sector as it is defined in subsection 1 (1) of the *Pay Equity Act*.
13. Persons who provide advice to Cabinet, a board or committee composed of ministers of the Crown, the Minister of Finance, the Chair of Management Board of Cabinet, a deputy minister in the Ministry of Finance or the Secretary of the Management Board of Cabinet on any matter within the powers or duties of Treasury Board under sections 6, 7, 8 or 9 of the *Treasury Board Act, 1991*.
14. Persons employed in the Ontario Financing Authority or in the Ministry of Finance who spend a significant portion of their time at work in borrowing or investing money for the Province or in managing the assets and liabilities of the Consolidated Revenue Fund, including persons employed in the Authority or the Ministry to provide technical, specialized or clerical services necessary to those activities.
15. Other persons who have duties or responsibilities that, in the opinion of the Ontario Labour Relations Board, constitute a conflict of interest with their being members of a bargaining unit. 1995, c. 1, s. 13; 2001, c. 7, s. 16.

PART II APPLICATION OF LABOUR RELATIONS ACT, 1995

Incorporation of Labour Relations Act, 1995 provisions

2. (1) Subject to subsection (2), the *Labour Relations Act, 1995* shall be deemed to form part of this Act. 1995, c. 1, s. 14.

7. Les juges provinciaux.
8. Les personnes employées comme médiateurs ou conciliateurs en matière de relations de travail.
9. Les employés qui exercent des fonctions de direction ou sont employés à un poste de confiance ayant trait aux relations de travail.
10. Les personnes employées dans le bureau d'un ministre à un poste de confiance auprès d'un ministre de la Couronne.
11. Les personnes employées dans le bureau du premier ministre ou dans le bureau du Conseil des ministres.
12. Les personnes qui donnent des conseils au Conseil des ministres, à un conseil ou comité composé de ministres de la Couronne, à un ministre ou à un sous-ministre sur les lois ayant trait à l'emploi qui touchent directement les conditions d'emploi des employés du secteur public au sens que donne à ce dernier terme le paragraphe 1 (1) de la *Loi sur l'équité salariale*.
13. Les personnes qui donnent des conseils au Conseil des ministres, à un conseil ou comité composé de ministres de la Couronne, au ministre des Finances, au président du Conseil de gestion du gouvernement, à un sous-ministre du ministère des Finances ou au secrétaire du Conseil de gestion du gouvernement sur toute question qui relève des pouvoirs ou fonctions que confèrent au Conseil du Trésor les articles 6, 7, 8 et 9 de la *Loi de 1991 sur le Conseil du Trésor*.
14. Les personnes employées à l'Office ontarien de financement ou au ministère des Finances qui consacrent au travail une partie importante de leur temps à emprunter ou à placer des fonds pour le compte de la Province ou à gérer l'actif et le passif du Trésor, y compris les personnes employées à l'Office ou au ministère pour fournir des services techniques ou spécialisés ou des services de bureau, si ces services sont nécessaires à ces fins.
15. Les autres personnes dont les fonctions ou les responsabilités constituent, de l'avis de la Commission des relations de travail de l'Ontario, un conflit d'intérêts lorsqu'elles sont membres d'une unité de négociation. 1995, chap. 1, art. 13; 2001, chap. 7, art. 16.

PARTIE II APPLICATION DE LA LOI DE 1995 SUR LES RELATIONS DE TRAVAIL

Incorporation des dispositions de la Loi de 1995 sur les relations de travail

2. (1) Sous réserve du paragraphe (2), la *Loi de 1995 sur les relations de travail* est réputée faire partie de la présente loi. 1995, chap. 1, art. 14.

Modifications

(2) This Part sets out modifications to the provisions of the *Labour Relations Act, 1995* that apply in the circumstances of this Act. 1995, c. 1, s. 14.

s. 1 (Interpretation)

3. (1) Subsections 1 (3), (4) and (5) of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 15 (2).

Status of employees

(2) A decision made under subsection 1 (4) shall not, directly or indirectly, treat an individual as a Crown employee unless he or she is considered to be a Crown employee under the *Public Service Act*. 1993, c. 38, s. 3 (2).

s. 3 (Non-application)

3.1 Section 3 of the *Labour Relations Act, 1995* does not form part of this Act. 1995, c. 1, s. 16.

s. 4 (Certain Crown agencies)

3.2 Section 4 of the *Labour Relations Act, 1995* does not form part of this Act. 1995, c. 1, s. 16.

s. 40 (Voluntary arbitration)

4. (1) The operation of section 40 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 17 (1).

Appointment of a single arbitrator

(2) If the parties have agreed to refer matters to a single arbitrator, they shall appoint an arbitrator within seven days after they agreed to refer the matters for arbitration. 1993, c. 38, s. 4 (2).

Appointment of a board of arbitration

(3) If the parties have agreed to refer matters to a board of arbitration,

- (a) each party shall, within seven days after the parties agreed to refer the matters for arbitration, appoint a member of the board and inform the other party of the appointee; and
- (b) the members appointed under clause (a) shall, within five days after the second of them is appointed, appoint a third member who shall be the chair of the board. 1993, c. 38, s. 4 (3).

If appointments not made

(4) If an appointment is not made as required under subsection (2) or (3), the Minister may make the appointment and the Minister must do so on the request of a party. 1993, c. 38, s. 4 (4).

Adaptations

(2) La présente partie énonce les adaptations apportées aux dispositions de la *Loi de 1995 sur les relations de travail*, qui s'appliquent dans le cadre de la présente loi. 1995, chap. 1, art. 14.

Art. 1 (Interprétation)

3. (1) Les paragraphes 1 (3), (4) et (5) de la *Loi de 1995 sur les relations de travail* ne font pas partie de la présente loi. 1995, chap. 1, par. 15 (2).

Statut des employés

(2) Une décision prise en vertu du paragraphe 1 (4) ne doit pas, directement ou indirectement, traiter un particulier comme un employé de la Couronne à moins qu'il ne soit considéré comme tel en vertu de la *Loi sur la fonction publique*. 1993, chap. 38, par. 3 (2).

Art. 3 (Non-application)

3.1 L'article 3 de la *Loi de 1995 sur les relations de travail* ne fait pas partie de la présente loi. 1995, chap. 1, art. 16.

Art. 4 (Certains organismes de la Couronne)

3.2 L'article 4 de la *Loi de 1995 sur les relations de travail* ne fait pas partie de la présente loi. 1995, chap. 1, art. 16.

Art. 40 (Accord d'arbitrage)

4. (1) Le fonctionnement de l'article 40 de la *Loi de 1995 sur les relations de travail* est assujéti aux adaptations énoncées dans le présent article. 1995, chap. 1, par. 17 (1).

Désignation d'un arbitre unique

(2) Si les parties ont convenu de soumettre des questions à un arbitre unique, elles désignent un arbitre au plus tard sept jours après avoir convenu de soumettre les questions à l'arbitrage. 1993, chap. 38, par. 4 (2).

Désignation d'un conseil d'arbitrage

(3) Si les parties ont convenu de soumettre des questions à un conseil d'arbitrage :

- a) chaque partie, au plus tard sept jours après que les parties ont convenu de soumettre les questions à l'arbitrage, désigne un membre du conseil et informe l'autre partie du nom de la personne qu'elle a désignée;
- b) les membres désignés aux termes de l'alinéa a), au plus tard cinq jours après que le second d'entre eux est désigné, désignent un troisième membre à la présidence du conseil. 1993, chap. 38, par. 4 (3).

Absence de désignation

(4) Si aucune désignation n'est effectuée comme l'exige le paragraphe (2) ou (3), le ministre peut procéder à la désignation et doit le faire si une partie le demande. 1993, chap. 38, par. 4 (4).

Procedural and other provisions applicable

(5) Subsections 6 (8) to (14), (17) and (18) of the *Hospital Labour Disputes Arbitration Act* apply, with necessary modifications, to arbitrators and boards of arbitration. 1993, c. 38, s. 4 (5).

Procedure

(6) The arbitrator or board of arbitration shall determine their own procedure but shall give full opportunity to the parties to present their evidence and make their submissions and section 117 of the *Labour Relations Act, 1995* applies to the arbitrator or board of arbitration and their decision and proceedings as if they were the Board. 1993, c. 38, s. 4 (6); 1995, c. 1, s. 17 (2).

Cost of arbitrators

(7) The remuneration and expenses of the arbitrator or the members of the board of arbitration shall be paid as follows:

1. If a single arbitrator is appointed, each party shall pay one-half of the remuneration and expenses of the arbitrator.
2. If a board of arbitration is appointed, each party shall pay the remuneration and expenses of the member appointed by or on behalf of the party and one-half of the remuneration and expenses of the chair. 1993, c. 38, s. 4 (7).

Reference back to arbitrator or board

(8) The arbitrator or board of arbitration may, upon application by a party within ten days after the release of a decision, amend, alter or vary the decision where it is shown to the satisfaction of the arbitrator or board that they failed to deal with any matter in dispute referred to them or that an error is apparent on the face of the decision. 1993, c. 38, s. 4 (8).

Representations on reference back

(9) Before amending, altering or varying a decision on an application under subsection (8), the arbitrator or board shall give the parties an opportunity to make representations on the application. 1993, c. 38, s. 4 (9).

Time limit on reference back

(10) A decision may be amended, altered or varied on an application under subsection (8) only within twenty days after the application is made. 1993, c. 38, s. 4 (10).

No decision to require legislation

(11) In making a decision, the arbitrator or board of arbitration shall not include any term that would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating money for its implementation. 1993, c. 38, s. 4 (11).

Autres dispositions applicables, notamment en matière de procédure

(5) Les paragraphes 6 (8) à (14), (17) et (18) de la *Loi sur l'arbitrage des conflits de travail dans les hôpitaux* s'appliquent, avec les adaptations nécessaires, aux arbitres et aux conseils d'arbitrage. 1993, chap. 38, par. 4 (5).

Procédure

(6) L'arbitre ou le conseil d'arbitrage décide lui-même de la procédure à suivre, mais donne aux parties la pleine possibilité de présenter leurs preuves et de faire valoir leurs arguments. L'article 117 de la *Loi de 1995 sur les relations de travail* s'applique à l'arbitre ou au conseil d'arbitrage ainsi qu'à la décision qu'il rend et aux instances tenues devant lui, comme s'il s'agissait de la Commission. 1993, chap. 38, par. 4 (6); 1995, chap. 1, par. 17 (2).

Coût des arbitres

(7) La rémunération et les indemnités de l'arbitre ou des membres du conseil d'arbitrage sont versées comme suit :

1. Si un arbitre unique est désigné, chacune des parties lui verse la moitié de sa rémunération et de ses indemnités.
2. Si un conseil d'arbitrage est désigné, chacune des parties verse au membre qu'elle désigne ou qui est désigné en son nom sa rémunération et ses indemnités, et verse au président la moitié de sa rémunération et de ses indemnités. 1993, chap. 38, par. 4 (7).

Renvoi à l'arbitre ou au conseil

(8) À la demande d'une partie dans les dix jours qui suivent la communication d'une décision, l'arbitre ou le conseil d'arbitrage peut modifier sa décision s'il est convaincu qu'il a omis d'examiner une question en litige qui lui était soumise ou que la décision présente une erreur manifeste. 1993, chap. 38, par. 4 (8).

Arguments en cas de renvoi

(9) Avant de modifier une décision à la suite d'une demande prévue au paragraphe (8), l'arbitre ou le conseil donne aux parties la possibilité de faire valoir leurs arguments au sujet de la demande. 1993, chap. 38, par. 4 (9).

Délai en cas de renvoi

(10) Une décision ne peut être modifiée à la suite d'une demande prévue au paragraphe (8) que dans les vingt jours qui suivent la présentation de la demande. 1993, chap. 38, par. 4 (10).

Incidence de la décision sur les lois

(11) Nulle décision de l'arbitre ou du conseil d'arbitrage ne doit contenir de conditions dont l'application exigerait, directement ou indirectement, l'adoption ou la modification d'une loi, sauf à des fins d'affectation de fonds en vue de son application. 1993, chap. 38, par. 4 (11).

Scope of arbitration

(12) The decision of the arbitrator or board of arbitration shall not include any matters upon which the parties have agreed if the arbitrator or board is notified in writing of the agreement of the parties on those matters. 1993, c. 38, s. 4 (12).

Scope of arbitration, agreement by parties

(13) The application of subsection (12) may be varied by the agreement of the parties. 1993, c. 38, s. 4 (13).

Collective agreement prepared by arbitrator, etc.

(14) If the parties have not agreed upon the terms of a collective agreement within thirty days after the release of the decision of the arbitrator or board of arbitration, the arbitrator or board shall prepare a document giving effect to the decision of the arbitrator or board and any agreement between the parties about which the arbitrator or board has been notified. 1993, c. 38, s. 4 (14).

Same

(15) The arbitrator or board of arbitration shall give copies of the document prepared under subsection (14) to the parties and upon doing so the document becomes a collective agreement under the *Labour Relations Act, 1995* effective on the day set out in the document. 1993, c. 38, s. 4 (15); 1995, c. 1, s. 17 (3).

s. 43 (First contract arbitration)

5. (1) The operation of section 43 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1993, c. 38, s. 5 (1); 1995, c. 1, s. 18 (1).

Applicable provisions

(2) The following provisions apply, with necessary modifications, with respect to arbitrations under section 41 of the *Labour Relations Act*:

1. Subsections 4 (8) (Reference back to arbitrator or board), (9) (Representations on reference back) and (10) (Time limit on reference back).
2. Subsection 4 (11) (No decision to require legislation).
3. Subsections 4 (12) (Scope of arbitration) and (13) (Scope of arbitration, agreement by parties).
4. Subsections 4 (14) and (15) (Collective agreement prepared by arbitrator, etc.). 1993, c. 38, s. 5 (2).

Minister's order: commencement of hearing

(3) If the hearing of the arbitration does not commence within the time period set out in subsection 43 (11) of the *Labour Relations Act, 1995*, the Minister may make such orders as he or she considers necessary to ensure the arbitration is heard without delay. 1993, c. 38, s. 5 (3); 1995, c. 1, s. 18 (2).

Portée de l'arbitrage

(12) Nulle décision de l'arbitre ou du conseil d'arbitrage ne doit contenir de questions sur lesquelles les parties se sont entendues si l'arbitre ou le conseil est avisé par écrit de l'entente conclue entre les parties sur ces questions. 1993, chap. 38, par. 4 (12).

Portée de l'arbitrage, entente des parties

(13) L'application du paragraphe (12) peut être modifiée si les parties y consentent. 1993, chap. 38, par. 4 (13).

Rédaction de la convention collective par l'arbitre

(14) Si, dans les trente jours qui suivent la communication de la décision de l'arbitre ou du conseil d'arbitrage, les parties ne se sont pas entendues sur les clauses d'une convention collective, l'arbitre ou le conseil rédige un document donnant effet à sa décision et à toute entente conclue entre les parties dont il a été avisé. 1993, chap. 38, par. 4 (14).

Idem

(15) L'arbitre ou le conseil d'arbitrage remet aux parties des copies du document rédigé aux termes du paragraphe (14). Le document devient alors une convention collective conclue en vertu de la *Loi de 1995 sur les relations de travail*, qui entre en vigueur à la date énoncée dans le document. 1993, chap. 38, par. 4 (15); 1995, chap. 1, par. 17 (3).

Art. 43 (Arbitrage d'une première convention)

5. (1) Le fonctionnement de l'article 43 de la *Loi de 1995 sur les relations de travail* est assujéti aux adaptations énoncées dans le présent article. 1993, chap. 38, par. 5 (1); 1995, chap. 1, par. 18 (1).

Dispositions applicables

(2) Les dispositions suivantes s'appliquent, avec les adaptations nécessaires, à l'égard des arbitrages visés à l'article 41 de la *Loi sur les relations de travail* :

1. Les paragraphes 4 (8) (Renvoi à l'arbitre ou au conseil), (9) (Arguments en cas de renvoi) et (10) (Délai en cas de renvoi).
2. Le paragraphe 4 (11) (Aucune incidence de la décision sur les lois).
3. Les paragraphes 4 (12) (Portée de l'arbitrage) et (13) (Portée de l'arbitrage, entente des parties).
4. Les paragraphes 4 (14) et (15) (Rédaction de la convention collective par l'arbitre). 1993, chap. 38, par. 5 (2).

Arrêté du ministre : début de l'audition

(3) Si l'audition de l'arbitrage ne débute pas dans le délai prévu au paragraphe 43 (11) de la *Loi de 1995 sur les relations de travail*, le ministre peut prendre les arrêtés qu'il juge nécessaires pour que l'audition de l'arbitrage ait lieu sans tarder. 1993, chap. 38, par. 5 (3); 1995, chap. 1, par. 18 (2).

Minister's order: completion of arbitration

(4) If the decision of the board of arbitration is not released within the time period set out in subsection 43 (12) of the *Labour Relations Act, 1995*, the Minister may,

- (a) make such orders as he or she considers necessary to ensure that the decision will be given without undue delay; and
- (b) make such orders as he or she considers appropriate respecting the remuneration and expenses of the members of the board of arbitration. 1993, c. 38, s. 5 (4); 1995, c. 1, s. 18 (3).

Restriction

(5) An arbitrator or board of arbitration shall not include or require the parties to include in a collective agreement a term that requires the employer to guarantee an offer of a job for employees whose positions have been or may be eliminated or that otherwise compels the employer to continue to employ them. 1995, c. 1, s. 18 (4).

Same

(6) Subsection (5) does not apply when the employer is an agency of the Crown designated under clause 29.1 (1) (a) of the *Public Service Act*. 1995, c. 1, s. 18 (4).

6. REPEALED: 1995, c. 1, s. 19.

s. 48 (Arbitration provision)

7. (1) The operation of section 48 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 20 (1).

Certain subss. not to apply

(2) Subsections 48 (1) to (6) of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 20 (2).

Deemed provision relating to arbitration

(3) Every collective agreement relating to Crown employees shall be deemed to provide for the final and binding settlement by arbitration by the Grievance Settlement Board, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable. 1993, c. 38, s. 7 (3).

Restrictions on substituted penalties

(4) In substituting a penalty under subsection 48 (17) of the *Labour Relations Act, 1995*, the Grievance Settlement Board shall not provide for the employment of an employee in a position that involves direct responsibility for or that provides an opportunity for contact with residents in a facility or with a client if the Board has found that the employee,

Arrêté du ministre : achèvement de l'arbitrage

(4) Si le conseil d'arbitrage ne communique pas sa décision dans le délai prévu au paragraphe 43 (12) de la *Loi de 1995 sur les relations de travail*, le ministre peut :

- a) prendre les arrêtés qu'il juge nécessaires pour que la décision soit rendue sans retard injustifié;
- b) prendre les arrêtés qu'il juge appropriés concernant la rémunération et les indemnités des membres du conseil d'arbitrage. 1993, chap. 38, par. 5 (4); 1995, chap. 1, par. 18 (3).

Restriction

(5) L'arbitre ou le conseil d'arbitrage ne doit pas inclure ni exiger des parties qu'elles incluent, dans une convention collective, une condition qui oblige l'employeur à garantir une offre d'emploi pour les employés dont le poste a été ou peut être éliminé ou qui le force autrement à continuer de les employer. 1995, chap. 1, par. 18 (4).

Idem

(6) Le paragraphe (5) ne s'applique pas lorsque l'employeur est un organisme de la Couronne désigné en vertu de l'alinéa 29.1 (1) a) de la *Loi sur la fonction publique*. 1995, chap. 1, par. 18 (4).

6. ABROGÉ : 1995, chap. 1, art. 19.

Art. 48 (Disposition sur l'arbitrage)

7. (1) Le fonctionnement de l'article 48 de la *Loi de 1995 sur les relations de travail* est assujéti aux adaptations énoncées dans le présent article. 1995, chap. 1, par. 20 (1).

Non-application de certains paragraphes

(2) Les paragraphes 48 (1) à (6) de la *Loi de 1995 sur les relations de travail* ne font pas partie de la présente loi. 1995, chap. 1, par. 20 (2).

Disposition réputée concernant l'arbitrage

(3) Chaque convention collective concernant les employés de la Couronne est réputée contenir une disposition sur le règlement, par voie de décision arbitrale définitive de la Commission de règlement des griefs et sans interruption du travail, de tous les différends entre les parties que soulèvent l'interprétation, l'application, l'administration ou une prétendue inexécution de la convention collective, y compris la question de savoir s'il y a matière à arbitrage. 1993, chap. 38, par. 7 (3).

Restrictions relatives aux peines substituées

(4) Lorsqu'elle substitue une peine en vertu du paragraphe 48 (17) de la *Loi de 1995 sur les relations de travail*, la Commission de règlement des griefs ne doit pas prévoir l'affectation d'un employé à un poste qui lui attribue la responsabilité directe des résidents d'un établissement ou d'un client ou qui lui permet d'avoir des contacts avec ceux-ci si la Commission a conclu que l'employé, selon le cas :

- (a) has applied force to a resident in a facility or a client, except the minimum force necessary for self-defence or the defence of another person or necessary to restrain the resident or client; or
- (b) has sexually molested a resident or a client. 2001, c. 7, s. 17 (1).

Definitions

- (5) In subsection (4),

“client” means a person to whom services are provided in a community resource centre that is designated under section 15 of the *Ministry of Correctional Services Act*; (“client”)

“facility” means,

- (a) premises where services are provided by the Minister under the *Child and Family Services Act*,
- (b) a facility under the *Developmental Services Act*,
- (c) The Ontario School for the Deaf, The Ontario School for the Blind or a school for the deaf or a school for the blind continued or established under section 13 of the *Education Act*,
- (d) a psychiatric facility under the *Mental Health Act*,
- (e) a correctional institution under the *Ministry of Correctional Services Act*,
- (f) a place or facility designated under subsection 7 (1) of the *Young Offenders Act* (Canada) as a place of temporary detention,
- (g) a place or facility designated as a place of secure custody or as a place of open custody under section 24.1 of the *Young Offenders Act* (Canada), or
- (h) any other workplace where the employee works in carrying out the duties of his or her position, including but not limited to those that he or she is required to carry out at any of the places mentioned in clauses (a) to (g); (“établissement”)

“resident” means a person who is an inmate, patient, pupil or resident in or is detained or cared for in a facility. (“résident”) 1993, c. 38, s. 7 (5); 2001, c. 7, s. 17 (2, 3); 2001, c. 13, s. 13.

Substitute penalty

(6) In substituting a penalty under subsection 48 (17) of the *Labour Relations Act, 1995* in circumstances in which it is restricted by subsection (4), the Grievance Settlement Board may provide for the employment of the employee in

- a) a usé de la force contre un résident d'un établissement ou un client, sauf s'il a eu recours à la force minimale nécessaire à sa légitime défense, à la défense d'une autre personne ou à la maîtrise du résident ou du client;
- b) a commis un attentat à la pudeur sur la personne d'un résident ou d'un client. 2001, chap. 7, par. 17 (1).

Définitions

(5) Les définitions qui suivent s'appliquent au paragraphe (4).

«client» Personne à qui sont fournis des services dans un centre de ressources communautaires désigné en vertu de l'article 15 de la *Loi sur le ministère des Services correctionnels*. («client»)

«établissement» S'entend :

- a) des locaux où le ministre fournit des services conformément à la *Loi sur les services à l'enfance et à la famille*;
- b) d'un établissement visé par la *Loi sur les services aux personnes ayant une déficience intellectuelle*;
- c) de l'École provinciale pour sourds, de l'École provinciale pour aveugles ou des écoles pour sourds ou des écoles pour aveugles qui sont maintenues ou ouvertes en vertu de l'article 13 de la *Loi sur l'éducation*;
- d) des établissements psychiatriques visés par la *Loi sur la santé mentale*;
- e) des établissements correctionnels visés par la *Loi sur le ministère des Services correctionnels*;
- f) du lieu ou de l'établissement désigné comme lieu de détention provisoire en vertu du paragraphe 7 (1) de la *Loi sur les jeunes contrevenants* (Canada);
- g) du lieu ou de l'établissement désigné comme lieu de garde en milieu fermé ou comme lieu de garde en milieu ouvert en vertu de l'article 24.1 de la *Loi sur les jeunes contrevenants* (Canada);
- h) de tout autre lieu de travail où travaille l'employé dans l'exercice des fonctions de son poste, notamment celles qu'il est tenu d'exercer à l'un ou l'autre des endroits mentionnés aux alinéas a) à g). («facility»)

«résident» Un détenu, un malade, un élève ou un résident d'un établissement, ou une personne qui y est détenue ou qui y reçoit des soins. («resident») 1993, chap. 38, par. 7 (5); 2001, chap. 7, par. 17 (2) et (3); 2001, chap. 13, art. 13.

Autre peine

(6) Lorsqu'elle substitue une peine en vertu du paragraphe 48 (17) de la *Loi de 1995 sur les relations de travail* dans les circonstances où la substitution est restreinte par le paragraphe (4), la Commission de règle-

another substantially equivalent position. 1993, c. 38, s. 7 (6); 1995, c. 1, s. 20 (4).

s. 49 (referral of grievance to single arbitrator)

8. Section 49 of the *Labour Relations Act, 1995* does not form a part of this Act. 1995, c. 1, s. 21.

s. 50 (Consensual mediation-arbitration)

9. (1) The operation of section 50 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 22 (1).

Appointment of mediator-arbitrator

(2) If there is an agreement to refer one or more grievances to a mediator-arbitrator under subsection 50 (1) of the *Labour Relations Act, 1995*, the mediator-arbitrator shall be a vice-chair of the Grievance Settlement Board appointed by the chair of the Board. 1993, c. 38, s. 9 (2); 1995, c. 1, s. 22 (2).

Minister to appoint

(3) Subsection 50 (3) of the *Labour Relations Act, 1995* does not form part of this Act. 1995, c. 1, s. 22 (3).

References to the Minister

(4) References to the Minister in subsections 50 (4) and (5) of the *Labour Relations Act, 1995* shall be deemed to be references to the chair of the Grievance Settlement Board. 1993, c. 38, s. 9 (4); 1995, c. 1, s. 22 (4).

s. 69 (Successor rights)

10. (1) Section 69 of the *Labour Relations Act, 1995* does not form part of this Act. 1995, c. 1, s. 23 (2).

Same

(2) Despite the *Labour Relations Act, 1995*, section 69 of that Act does not apply,

- (a) with respect to a person who purchases a business from the Crown or sells a business to the Crown;
- (b) with respect to an interested person, trade union or council of trade unions in relation to a purchase or sale of a business by the Crown;
- (c) with respect to a collective agreement that binds or, but for this section, would otherwise bind employees of the Crown or of a person described in clause (a), or with respect to the bargaining for such a collective agreement as the bargaining is affected by section 69. 1995, c. 1, s. 23 (2).

11. REPEALED: 1995, c. 1, s. 24.

12. REPEALED: 1995, c. 1, s. 24.

ment des griefs peut prévoir l'affectation de l'employé à un autre poste essentiellement équivalent. 1993, chap. 38, par. 7 (6); 1995, chap. 1, par. 20 (4).

Art. 49 (Grief soumis à un arbitre unique)

8. L'article 49 de la *Loi de 1995 sur les relations de travail* ne fait pas partie de la présente loi. 1995, chap. 1, art. 21.

Art. 50 (Médiation-arbitrage consensuel)

9. (1) Le fonctionnement de l'article 50 de la *Loi de 1995 sur les relations de travail* est assujéti aux adaptations énoncées dans le présent article. 1995, chap. 1, par. 22 (1).

Désignation d'un médiateur-arbitre

(2) S'il est convenu de soumettre un ou plusieurs griefs à un médiateur-arbitre en vertu du paragraphe 50 (1) de la *Loi de 1995 sur les relations de travail*, le médiateur-arbitre doit être un vice-président de la Commission de règlement des griefs désigné par le président de la Commission. 1993, chap. 38, par. 9 (2); 1995, chap. 1, par. 22 (2).

Désignation par le ministre

(3) Le paragraphe 50 (3) de la *Loi de 1995 sur les relations de travail* ne fait pas partie de la présente loi. 1995, chap. 1, par. 22 (3).

Mentions du ministre

(4) Les mentions du ministre aux paragraphes 50 (4) et (5) de la *Loi de 1995 sur les relations de travail* sont réputées des mentions du président de la Commission de règlement des griefs. 1993, chap. 38, par. 9 (4); 1995, chap. 1, par. 22 (4).

Art. 69 (Succession aux qualités)

10. (1) L'article 69 de la *Loi de 1995 sur les relations de travail* ne fait partie de la présente loi. 1995, chap. 1, par. 23 (2).

Idem

(2) Malgré la *Loi de 1995 sur les relations de travail*, l'article 69 de cette loi ne s'applique pas à l'égard :

- a) de quiconque achète ou vend une entreprise à la Couronne;
- b) d'une personne, d'un conseil de syndicats ou d'un syndicat intéressés par rapport à l'achat ou à la vente d'une entreprise par la Couronne;
- c) d'une convention collective qui lie ou qui, si ce n'était du présent article, lierait des employés de la Couronne ou d'une personne visée à l'alinéa a), ou à l'égard de la négociation d'une telle convention collective dans la mesure où cette négociation est touchée par l'article 69. 1995, chap. 1, par. 23 (2).

11. ABROGÉ : 1995, chap. 1, art. 24.

12. ABROGÉ : 1995, chap. 1, art. 24.

Subs. 79 (2) (Limitation on strike or lock-out)

13. It is an additional requirement to those in subsection 79 (2) of the *Labour Relations Act, 1995* that the employer and the trade union must have an essential services agreement under Part IV before an employee may strike or the employer may lock out an employee. 1993, c. 38, s. 13; 1995, c. 1, s. 25.

14. REPEALED: 1995, c. 1, s. 26.

s. 86 (Alteration of working conditions)

15. (1) The operation of section 86 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 27 (1).

Essential services agreement required

(2) It is an additional condition to those in clauses 86 (1) (a) and (2) (a) of the *Labour Relations Act, 1995* that there be an essential services agreement between the employer and the trade union before any alteration is allowed under those clauses. 1993, c. 38, s. 15 (2); 1995, c. 1, s. 27 (2).

Subs. 96 (4) (Orders by Board)

16. (1) The operation of subsection 96 (4) of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 28.

No order to require legislation

(2) No order of the Board shall include any term that would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating money for its implementation. 1993, c. 38, s. 16 (2).

s. 103 (Notice of claim for damages, etc.)

17. (1) The operation of section 103 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 29 (1).

Notice not to contain appointee

(2) A notice under subsection 103 (1) of the *Labour Relations Act, 1995* shall not contain the name of an appointee to an arbitration board. 1993, c. 38, s. 17 (2); 1995, c. 1, s. 29 (2).

Arbitration by the Grievance Settlement Board

(3) A claim for damages under subsection 103 (1) of the *Labour Relations Act, 1995* shall be arbitrated by the Grievance Settlement Board. 1993, c. 38, s. 17 (3); 1995, c. 1, s. 29 (3).

Certain subss. not to apply

(4) Subsections 103 (2), (3), (4), (6) and (7) of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 29 (4).

Par. 79 (2) (Restriction concernant la grève ou le lock-out)

13. S'ajoute aux exigences du paragraphe 79 (2) de la *Loi de 1995 sur les relations de travail* celle selon laquelle l'employeur et le syndicat doivent avoir conclu une entente sur les services essentiels aux termes de la partie IV avant qu'un employé ne puisse faire la grève ou qu'un employeur ne puisse lock-outer un employé. 1993, chap. 38, art. 13; 1995, chap. 1, art. 25.

14. ABROGÉ : 1995, chap. 1, art. 26.

Art. 86 (Modification des conditions de travail)

15. (1) Le fonctionnement de l'article 86 de la *Loi de 1995 sur les relations de travail* est assujéti aux adaptations énoncées dans le présent article. 1995, chap. 1, par. 27 (1).

Entente sur les services essentiels obligatoire

(2) S'ajoute aux conditions des alinéas 86 (1) a) et (2) a) de la *Loi de 1995 sur les relations de travail* celle que soit conclue par l'employeur et le syndicat une entente sur les services essentiels avant qu'une modification ne puisse être apportée aux termes de ces alinéas. 1993, chap. 38, par. 15 (2); 1995, chap. 1, par. 27 (2).

Par. 96 (4) (Ordonnances de la Commission)

16. (1) Le fonctionnement du paragraphe 96 (4) de la *Loi de 1995 sur les relations de travail* est assujéti aux adaptations énoncées dans le présent article. 1995, chap. 1, art. 28.

Incidence de l'ordonnance sur les lois

(2) Nulle ordonnance de la Commission ne doit contenir de condition dont l'application exigerait, directement ou indirectement, l'adoption ou la modification d'une loi, sauf à des fins d'affectation de fonds en vue de son application. 1993, chap. 38, par. 16 (2).

Art. 103 (Avis de réclamation en dommages-intérêts)

17. (1) Le fonctionnement de l'article 103 de la *Loi de 1995 sur les relations de travail* est assujéti aux adaptations énoncées dans le présent article. 1995, chap. 1, par. 29 (1).

L'avis ne doit pas contenir le nom d'une personne désignée

(2) L'avis prévu au paragraphe 103 (1) de la *Loi de 1995 sur les relations de travail* ne doit pas contenir le nom d'une personne désignée au conseil d'arbitrage. 1993, chap. 38, par. 17 (2); 1995, chap. 1, par. 29 (2).

Arbitrage de la Commission de règlement des griefs

(3) La réclamation en dommages-intérêts visée au paragraphe 103 (1) de la *Loi de 1995 sur les relations de travail* doit être soumise à l'arbitrage de la Commission de règlement des griefs. 1993, chap. 38, par. 17 (3); 1995, chap. 1, par. 29 (3).

Non-application de certains paragraphes

(4) Les paragraphes 103 (2), (3), (4), (6) et (7) de la *Loi de 1995 sur les relations de travail* ne font pas partie de la présente loi. 1995, chap. 1, par. 29 (4).

s. 110 (Ontario Labour Relations Board)

18. (1) The operation of section 110 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 30 (1).

Application with respect to essential services

(2) In the case of a matter respecting Part IV, the chair of the Board may sit alone or may authorize a vice-chair to sit alone under subsection 110 (14) of the *Labour Relations Act, 1995* if,

- (a) the chair considers it advisable to do so; or
- (b) the parties consent. 1993, c. 38, s. 18 (2); 1995, c. 1, s. 30 (2).

Same

(3) The Board may make rules under subsection 110 (18) of the *Labour Relations Act, 1995* to expedite proceedings to which Part IV applies. 1993, c. 38, s. 18 (3); 1995, c. 1, s. 30 (3).

s. 114 (Jurisdiction)

19. (1) The operation of section 114 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 31 (1).

Limitation

(2) Despite subsection 114 (2) of the *Labour Relations Act, 1995*, no person shall be found to be a Crown employee unless he or she is considered to be a Crown employee under the *Public Service Act*. 1993, c. 38, s. 19 (2); 1995, c. 1, s. 31 (2).

s. 125 (Regulations)

20. Regulations made under section 125 of the *Labour Relations Act, 1995* do not apply with respect to the Grievance Settlement Board. 1993, c. 38, s. 20; 1995, c. 1, s. 32.

ss. 126 to 168 (Construction industry provisions)

21. Sections 126 to 168 of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 33.

PART III COLLECTIVE BARGAINING

Definition

22. In this Part,

“designated bargaining unit” means a bargaining unit referred to in subsection 23 (1) and includes a successor of the bargaining unit. 1993, c. 38, s. 22; 1995, c. 1, s. 34.

Art. 110 (Commission des relations de travail de l'Ontario)

18. (1) Le fonctionnement de l'article 110 de la *Loi de 1995 sur les relations de travail* est assujéti aux adaptations énoncées dans le présent article. 1995, chap. 1, par. 30 (1).

Application à l'égard des services essentiels

(2) Dans le cas d'une question ayant trait à la partie IV, le président de la Commission peut siéger seul ou autoriser un vice-président à ce faire en vertu du paragraphe 110 (14) de la *Loi de 1995 sur les relations de travail* si, selon le cas :

- a) le président estime qu'il est opportun de procéder ainsi;
- b) les parties y consentent. 1993, chap. 38, par. 18 (2); 1995, chap. 1, par. 30 (2).

Idem

(3) La Commission peut établir des règles en vertu du paragraphe 110 (18) de la *Loi de 1995 sur les relations de travail* en vue d'accélérer le déroulement des instances auxquelles s'applique la partie IV. 1993, chap. 38, par. 18 (3); 1995, chap. 1, par. 30 (3).

Art. 114 (Compétence exclusive)

19. (1) Le fonctionnement de l'article 114 de la *Loi de 1995 sur les relations de travail* est assujéti aux adaptations énoncées dans le présent article. 1995, chap. 1, par. 31 (1).

Restriction

(2) Malgré le paragraphe 114 (2) de la *Loi de 1995 sur les relations de travail*, nul ne doit être considéré comme un employé de la Couronne s'il n'est pas considéré comme un employé de la Couronne aux termes de la *Loi sur la fonction publique*. 1993, chap. 38, par. 19 (2); 1995, chap. 1, par. 31 (2).

Art. 125 (Règlements)

20. Les règlements pris en application de l'article 125 de la *Loi de 1995 sur les relations de travail* ne s'appliquent pas à l'égard de la Commission de règlement des griefs. 1993, chap. 38, art. 20; 1995, chap. 1, art. 32.

Art. 126 à 168 (Dispositions concernant l'industrie de la construction)

21. Les articles 126 à 168 de la *Loi de 1995 sur les relations de travail* ne font pas partie de la présente loi. 1995, chap. 1, art. 33.

PARTIE III NÉGOCIATION COLLECTIVE

Définition

22. La définition qui suit s'applique à la présente partie.

«unité de négociation désignée» S'entend de l'unité de négociation visée au paragraphe 23 (1). S'entend en outre de l'unité de négociation qui lui succède. 1993, chap. 38, art. 22; 1995, chap. 1, art. 34.

Bargaining units continued

23. (1) The seven bargaining units established under this section, as it read immediately before section 35 of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force, are continued. 1995, c. 1, s. 35.

Restriction

(2) The description of a bargaining unit shall not be amended until after a collective agreement is made following December 13, 1993. 1995, c. 1, s. 35.

Bargaining agent

24. (1) The Ontario Public Service Employees Union continues as the bargaining agent representing the employees in the six bargaining units established by order of the Lieutenant Governor in Council under subsection 23 (1), as it read immediately before section 35 of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force. 1995, c. 1, s. 36 (1).

Effect of continuation

(2) The Ontario Public Service Employees Union represents the employees in those bargaining units until it ceases, under this Act or the *Labour Relations Act* as it read before subsection 1 (2) of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force, to represent them. 1995, c. 1, s. 36 (1).

Restriction

(3) The Ontario Public Service Employees Union continues to represent the employees in those bargaining units until a collective agreement is made following the coming into force of this section. 1993, c. 38, s. 24 (3).

Non-application

(4) Section 66 of the *Labour Relations Act, 1995* does not apply with respect to the designation of the Union or the continuation of the designation. 1995, c. 1, s. 36 (2).

Central agreement

25. (1) One collective agreement shall govern the following terms and conditions of employment of the employees in the designated bargaining units:

1. Dispute resolution procedures.
2. Prohibitions against discrimination.
3. Employment security and mobility.
4. Pensions.
5. Long term disability insurance plans.

Maintien des unités de négociation

23. (1) Les sept unités de négociation formées en vertu du présent article, tel qu'il existait immédiatement avant l'entrée en vigueur de l'article 35 de la *Loi de 1995 modifiant des lois en ce qui concerne les relations de travail et l'emploi*, sont maintenues. 1995, chap. 1, art. 35.

Restriction

(2) La définition d'une unité de négociation ne doit pas être modifiée avant qu'une convention collective n'ait été conclue après le 13 décembre 1993. 1995, chap. 1, art. 35.

Agent négociateur

24. (1) Le Syndicat des employées et employés de la fonction publique de l'Ontario est maintenu comme l'agent négociateur représentant les employés compris dans les six unités de négociation formées par décret du lieutenant-gouverneur en conseil en vertu du paragraphe 23 (1), tel que celui-ci existait immédiatement avant l'entrée en vigueur de l'article 35 de la *Loi de 1995 modifiant des lois en ce qui concerne les relations de travail et l'emploi*. 1995, chap. 1, par. 36 (1).

Effet du maintien

(2) Le Syndicat des employées et employés de la fonction publique de l'Ontario représente les employés compris dans ces unités de négociation jusqu'à ce qu'il cesse, aux termes de la présente loi ou de la *Loi sur les relations de travail* telle qu'elle existait avant l'entrée en vigueur du paragraphe 1 (2) de la *Loi de 1995 modifiant des lois en ce qui concerne les relations de travail et l'emploi*, de les représenter. 1995, chap. 1, par. 36 (1).

Restriction

(3) Le Syndicat des employées et employés de la fonction publique de l'Ontario continue à représenter les employés compris dans ces unités de négociation jusqu'à ce qu'une convention collective soit conclue après l'entrée en vigueur du présent article. 1993, chap. 38, par. 24 (3).

Non-application

(4) L'article 66 de la *Loi de 1995 sur les relations de travail* ne s'applique pas à l'égard de la désignation du Syndicat ni du maintien de la désignation. 1995, chap. 1, par. 36 (2).

Convention centrale

25. (1) Une seule convention collective régit les conditions d'emploi suivantes des employés compris dans les unités de négociation désignées :

1. Les modalités de règlement des différends.
2. Les interdictions contre la discrimination.
3. La sécurité d'emploi et la mobilité.
4. Les pensions.
5. Les régimes d'assurance-invalidité de longue durée.

6. Benefits to which all employees in the designated bargaining units are entitled.
7. With the consent of the parties, wages.
8. Such other matters as the parties may agree upon. 1993, c. 38, s. 25 (1).

Same

(2) No other collective agreement shall govern the terms and conditions of employment referred to in subsection (1). 1993, c. 38, s. 25 (2).

Disagreement

(3) If the parties are unable to agree about whether a benefit is referred to in paragraph 6 of subsection (1), the benefit shall be the subject of negotiations for the collective agreement referred to in subsection (1). 1993, c. 38, s. 25 (3).

Deemed bargaining unit

(4) The designated bargaining units shall be deemed to be one bargaining unit for the purposes of a collective agreement referred to in subsection (1). 1993, c. 38, s. 25 (4).

Same

(5) The description of the deemed bargaining unit shall not be altered. 1995, c. 1, s. 37 (1).

Same

(6) The provisions of the *Labour Relations Act, 1995* concerning the establishment and termination of bargaining rights do not apply with respect to the deemed bargaining unit. 1993, c. 38, s. 25 (6); 1995, c. 1, s. 37 (2).

Council of trade unions

(7) The bargaining agents representing the employees in each of the designated bargaining units shall be deemed to be a certified council of trade unions representing those employees for the purposes of a collective agreement referred to in subsection (1). 1993, c. 38, s. 25 (7).

Separate agreements

26. The employer and the bargaining agent representing the employees in a designated bargaining unit may enter into a collective agreement respecting matters not referred to in subsection 25 (1). 1993, c. 38, s. 26.

Term of agreements

27. (1) Every collective agreement respecting employees in the designated bargaining units shall be effective on the same date and for a term of the same duration. 1993, c. 38, s. 27 (1).

Same

(2) Unless the parties agree otherwise, a collective agreement shall provide that it is effective for a term of at least two years. 1993, c. 38, s. 27 (2).

6. Les avantages sociaux auxquels ont droit tous les employés compris dans les unités de négociation désignées.
7. Les salaires, avec le consentement des parties.
8. Les autres questions dont peuvent convenir les parties. 1993, chap. 38, par. 25 (1).

Idem

(2) Aucune autre convention collective ne doit régir les conditions d'emploi visées au paragraphe (1). 1993, chap. 38, par. 25 (2).

Désaccord

(3) Si les parties sont incapables de s'entendre sur la question de savoir si un avantage social est visé à la disposition 6 du paragraphe (1), celui-ci est assujéti aux négociations en vue de parvenir à la convention collective visée au paragraphe (1). 1993, chap. 38, par. 25 (3).

Unité de négociation réputée

(4) Les unités de négociation désignées sont réputées une unité de négociation aux fins d'une convention collective visée au paragraphe (1). 1993, chap. 38, par. 25 (4).

Idem

(5) La définition de l'unité de négociation réputée ne doit pas être modifiée. 1995, chap. 1, par. 37 (1).

Idem

(6) Les dispositions de la *Loi de 1995 sur les relations de travail* concernant l'acquisition et la perte du droit à la négociation collective ne s'appliquent pas à l'égard de l'unité de négociation réputée. 1993, chap. 38, par. 25 (6); 1995, chap. 1, par. 37 (2).

Conseil de syndicats

(7) Les agents négociateurs représentant les employés compris dans chacune des unités de négociation désignées sont réputés être un conseil de syndicats accrédité représentant ces employés aux fins de la convention collective visée au paragraphe (1). 1993, chap. 38, par. 25 (7).

Conventions distinctes

26. L'employeur et l'agent négociateur représentant les employés compris dans une unité de négociation désignée peuvent conclure une convention collective concernant les questions non visées au paragraphe 25 (1). 1993, chap. 38, art. 26.

Durée des conventions

27. (1) Chaque convention collective concernant les employés compris dans les unités de négociation désignées entre en vigueur à la même date et a la même durée. 1993, chap. 38, par. 27 (1).

Idem

(2) Sauf entente contraire entre les parties, la convention collective prévoit qu'elle est en vigueur pour au moins deux ans. 1993, chap. 38, par. 27 (2).

Lawful strike

28. (1) The following conditions must exist for a strike by employees in a designated bargaining unit to be lawful:

1. The strike must otherwise be lawful.
2. A strike by the employees in every other designated bargaining unit that is represented by a bargaining agent must otherwise be lawful.
3. Employees in each of those designated bargaining units must begin to strike simultaneously. 1993, c. 38, s. 28 (1); 1995, c. 1, s. 38 (1).

Exception

(2) Paragraphs 2 and 3 of subsection (1) do not include employees in a designated bargaining unit for which a collective agreement under section 25 or 26, as the case may be, has been settled. 1993, c. 38, s. 28 (2).

Lawful lock-out

(3) The following conditions must exist for a lock-out by an employer of employees in a designated bargaining unit to be lawful:

1. The lock-out must otherwise be lawful.
2. A lock-out of employees in every other designated bargaining unit that is represented by a bargaining agent must otherwise be lawful.
3. The lock-out of employees in each of those designated bargaining units must begin simultaneously. 1993, c. 38, s. 28 (3); 1995, c. 1, s. 38 (1).

Exception

(4) Paragraphs 2 and 3 of subsection (3) do not include employees in a designated bargaining unit for which a collective agreement under section 25 or 26, as the case may be, has been settled. 1993, c. 38, s. 28 (4).

Working conditions may not be altered

(5) For the purposes of subsection 86 (1) of the *Labour Relations Act, 1995*, clause 86 (1) (a) shall be deemed to refer to the release of a report or a notice, as the case may be, with respect to every designated bargaining unit that is represented by a bargaining agent. 1993, c. 38, s. 28 (5); 1995, c. 1, s. 38 (2).

First contract arbitration

29. Section 43 of the *Labour Relations Act, 1995* does not apply with respect to the six bargaining units referred to in subsection 23 (2) or the deemed bargaining unit under section 25. 1993, c. 38, s. 29; 1995, c. 1, s. 39.

Grève licite

28. (1) Il doit être satisfait aux conditions suivantes pour qu'une grève des employés compris dans une unité de négociation désignée soit licite :

1. La grève doit par ailleurs être licite.
2. Une grève des employés compris dans chaque autre unité de négociation désignée qui est représentée par un agent négociateur doit par ailleurs être licite.
3. Les employés compris dans chacune de ces unités de négociation désignées doivent commencer la grève au même moment. 1993, chap. 38, par. 28 (1); 1995, chap. 1, par. 38 (1).

Exception

(2) Les dispositions 2 et 3 du paragraphe (1) ne comprennent pas les employés compris dans une unité de négociation désignée à l'égard desquels une convention collective visée à l'article 25 ou 26, selon le cas, a été réglée. 1993, chap. 38, par. 28 (2).

Lock-out licite

(3) Il doit être satisfait aux conditions suivantes pour qu'un lock-out, par un employeur, des employés compris dans une unité de négociation désignée soit licite :

1. Le lock-out doit par ailleurs être licite.
2. Un lock-out des employés compris dans chaque autre unité de négociation désignée qui est représentée par un agent négociateur doit par ailleurs être licite.
3. Le lock-out des employés compris dans chacune de ces unités de négociation désignées doit commencer au même moment. 1993, chap. 38, par. 28 (3); 1995, chap. 1, par. 38 (1).

Exception

(4) Les dispositions 2 et 3 du paragraphe (3) ne comprennent pas les employés compris dans une unité de négociation désignée à l'égard desquels une convention collective visée à l'article 25 ou 26, selon le cas, a été réglée. 1993, chap. 38, par. 28 (4).

Les conditions de travail ne peuvent pas être modifiées

(5) Pour l'application du paragraphe 86 (1) de la *Loi de 1995 sur les relations de travail*, l'alinéa 86 (1) a) est réputé faire mention de la remise d'un rapport ou d'un avis, selon le cas, à l'égard de chaque unité de négociation désignée qui est représentée par un agent négociateur. 1993, chap. 38, par. 28 (5); 1995, chap. 1, par. 38 (2).

Arbitrage d'une première convention

29. L'article 43 de la *Loi de 1995 sur les relations de travail* ne s'applique pas à l'égard des six unités de négociation visées au paragraphe 23 (2) ni à l'égard de l'unité de négociation réputée visée à l'article 25. 1993, chap. 38, art. 29; 1995, chap. 1, art. 39.

PART IV ESSENTIAL SERVICES

Definitions

30. In this Part,

“essential services” means services that are necessary to enable the employer to prevent,

- (a) danger to life, health or safety,
- (b) the destruction or serious deterioration of machinery, equipment or premises,
- (c) serious environmental damage, or
- (d) disruption of the administration of the courts or of legislative drafting; (“services essentiels”)

“essential services agreement” means an agreement between the employer and trade union that applies during a strike or lock-out and that has,

- (a) an essential services part that provides for the use, during a strike or lock-out, of employees in the bargaining unit to provide essential services, and
- (b) an emergency services part that provides for the use, during a strike or lock-out, of employees in the bargaining unit, in addition to those referred to in clause (a), in emergencies. (“entente sur les services essentiels”) 1993, c. 38, s. 30.

Essential services agreements required

31. (1) An employer of Crown employees and a trade union representing Crown employees who have or are negotiating a collective agreement shall make an essential services agreement. 1993, c. 38, s. 31 (1).

Duty to bargain

(2) The employer and the trade union shall bargain in good faith and make every reasonable effort to make an essential services agreement. 1993, c. 38, s. 31 (2).

Essential services part

32. (1) The essential services part of an essential services agreement must include provisions that,

- (a) identify the essential services;
- (b) set out how many employees in the bargaining unit from what employee positions are necessary to enable the employer to provide the essential services; and
- (c) identify the employees who the employer and trade union have agreed will be required during a strike or lock-out to work to the extent necessary to enable the employer to provide the essential services. 1993, c. 38, s. 32 (1).

PARTIE IV SERVICES ESSENTIELS

Définitions

30. Les définitions qui suivent s'appliquent à la présente partie.

«entente sur les services essentiels» Entente conclue par l'employeur et le syndicat qui s'applique pendant une grève ou un lock-out et qui comprend :

- a) une partie sur les services essentiels qui prévoit le recours, pendant une grève ou un lock-out, à des employés compris dans l'unité de négociation pour fournir des services essentiels;
- b) une partie sur les services d'urgence qui prévoit le recours, pendant une grève ou un lock-out, à des employés compris dans l'unité de négociation, en plus de ceux visés à l'alinéa a), dans les cas d'urgence. («essential services agreement»)

«services essentiels» Services nécessaires pour permettre à l'employeur d'empêcher, selon le cas :

- a) tout danger pour la vie, la santé ou la sécurité;
- b) la destruction ou la détérioration grave de machines, d'équipement ou de locaux;
- c) des dommages environnementaux graves;
- d) la perturbation dans l'administration des tribunaux ou dans la rédaction législative. («essential services») 1993, chap. 38, art. 30.

Ententes obligatoires sur les services essentiels

31. (1) L'employeur d'employés de la Couronne et le syndicat représentant des employés de la Couronne qui ont négocié une convention collective ou sont en train de le faire doivent conclure une entente sur les services essentiels. 1993, chap. 38, par. 31 (1).

Obligation de négocier

(2) L'employeur et le syndicat négocient de bonne foi et font des efforts raisonnables afin de conclure une entente sur les services essentiels. 1993, chap. 38, par. 31 (2).

Partie sur les services essentiels

32. (1) La partie sur les services essentiels d'une entente sur les services essentiels doit comprendre des clauses qui :

- a) déterminent les services essentiels;
- b) indiquent le nombre d'employés compris dans l'unité de négociation, par poste d'employé, qui sont nécessaires pour permettre à l'employeur de fournir les services essentiels;
- c) déterminent les employés qui, selon ce que l'employeur et le syndicat ont convenu, devront, pendant une grève ou un lock-out, travailler dans la mesure nécessaire pour permettre à l'employeur de fournir les services essentiels. 1993, chap. 38, par. 32 (1).

Same

(2) For the purposes of clause (1) (b), the number of employees in the bargaining unit that are necessary to provide the essential services shall be determined without regard to the availability of other persons to provide essential services. 1995, c. 1, s. 40.

When parties must begin negotiations

33. (1) An employer and trade union who do not have an essential services agreement shall begin to negotiate one,

- (a) if they have a collective agreement, at least 180 days before the agreement ceases to operate; or
- (b) if a notice under section 16 of the *Labour Relations Act, 1995* has been given, within fifteen days of the giving of that notice. 1993, c. 38, s. 33 (1); 1995, c. 1, s. 41.

Same

(2) An employer and trade union may begin to negotiate at a time later than that required under subsection (1) if they agree to do so. 1993, c. 38, s. 33 (2).

Agenda of negotiation, essential services part

34. In negotiating the essential services part of an essential services agreement, the employer and trade union shall negotiate with respect to the following issues in the following order:

1. What types of services are essential services.
2. What levels of the types of essential services are necessary to prevent,
 - i. danger to life, health or safety,
 - ii. the destruction or serious deterioration of machinery, equipment or premises,
 - iii. serious environmental damage, or
 - iv. disruption of the administration of the courts or of legislative drafting.
3. What employee positions are necessary to enable the employer to provide the types of essential services at the necessary levels.
4. How many employees in the bargaining unit, in employee positions referred to in paragraph 3, are necessary to enable the employer to provide the essential services at the necessary levels.
5. Which employees will be required during a strike or lock-out to work to the extent necessary to enable the employer to provide the essential services. 1993, c. 38, s. 34.

Appointment of conciliation officer

35. At any time after an employer and trade union are required to begin negotiations, the Minister, upon the re-

Idem

(2) Pour l'application de l'alinéa (1) b), le nombre d'employés compris dans l'unité de négociation qui sont nécessaires pour fournir les services essentiels est déterminé sans tenir compte de la disponibilité d'autres personnes pour fournir les services essentiels. 1995, chap. 1, art. 40.

Début des négociations

33. (1) L'employeur et le syndicat qui n'ont pas conclu d'entente sur les services essentiels commencent à en négocier une :

- a) s'ils ont conclu une convention collective, au moins 180 jours avant l'expiration de la convention;
- b) si l'avis prévu à l'article 16 de la *Loi de 1995 sur les relations de travail* a été donné, dans les quinze jours de la date de l'avis. 1993, chap. 38, par. 33 (1); 1995, chap. 1, art. 41.

Idem

(2) L'employeur et le syndicat peuvent commencer à négocier plus tard qu'il n'est prévu au paragraphe (1) s'ils en conviennent. 1993, chap. 38, par. 33 (2).

Ordre des questions, partie sur les services essentiels

34. Lorsqu'ils négocient la partie sur les services essentiels d'une entente sur les services essentiels, l'employeur et le syndicat négocient à l'égard des questions suivantes dans l'ordre suivant :

1. Les genres de services qui constituent des services essentiels.
2. Les niveaux des genres de services essentiels qui sont nécessaires pour empêcher, selon le cas :
 - i. tout danger pour la vie, la santé ou la sécurité,
 - ii. la destruction ou la détérioration grave de machines, d'équipement ou de locaux,
 - iii. des dommages environnementaux graves,
 - iv. la perturbation dans l'administration des tribunaux ou dans la rédaction législative.
3. Les postes d'employés qui sont nécessaires pour permettre à l'employeur de fournir les genres de services essentiels aux niveaux nécessaires.
4. Le nombre d'employés compris dans l'unité de négociation, dans les postes d'employés visés à la disposition 3, qui sont nécessaires pour permettre à l'employeur de fournir les services essentiels aux niveaux nécessaires.
5. Les employés qui, pendant une grève ou un lock-out, devront travailler dans la mesure nécessaire pour permettre à l'employeur de fournir les services essentiels. 1993, chap. 38, art. 34.

Désignation d'un conciliateur

35. En tout temps après que l'employeur et le syndicat sont tenus de commencer les négociations, le minis-

quest of either party, shall appoint a conciliation officer to confer with the parties and endeavour to effect an essential services agreement. 1993, c. 38, s. 35.

Application to the Board

36. (1) On application by the employer or trade union, the Ontario Labour Relations Board shall determine any matters that the parties have not resolved and in doing so the Board may,

- (a) determine any matters to be included in an essential services agreement between the parties;
- (b) order that terms specified by the Board be deemed to be part of an essential services agreement between the parties;
- (c) order that the parties be deemed to have entered into an essential services agreement; and
- (d) give any other such directions as the Board considers appropriate. 1993, c. 38, s. 36 (1).

Same

(2) The Board may consult with the parties to resolve any matter raised by the application or may inquire into any matter raised by the application, or may do both. 1993, c. 38, s. 36 (2).

Orders after consultation

(3) The Board may make any interim or final order it considers appropriate after consulting with the parties or on an inquiry. 1993, c. 38, s. 36 (3).

Reconsideration

(4) On a further application by the employer or trade union, the Board may modify any determination or direction in view of a change in circumstances. 1993, c. 38, s. 36 (4).

Duration of an essential services agreement

37. (1) An essential services agreement continues until terminated by a party to the agreement. 1993, c. 38, s. 37 (1).

When termination possible

(2) A party may terminate an essential services agreement only if the parties have a collective agreement and there are at least 190 days left in the term of the collective agreement. 1993, c. 38, s. 37 (2).

Method of termination

(3) A party may terminate an essential services agreement by giving the other party written notice. 1993, c. 38, s. 37 (3).

Enforcement of essential services agreement

38. (1) A party to an essential services agreement may apply to the Board to enforce it. 1995, c. 1, s. 42.

tre, à la demande de l'une ou l'autre partie, désigne un conciliateur pour qu'il s'entretienne avec les parties et s'efforce de parvenir à une entente sur les services essentiels. 1993, chap. 38, art. 35.

Requête à la Commission

36. (1) Sur requête de l'employeur ou du syndicat, la Commission des relations de travail de l'Ontario statue sur les questions que les parties n'ont pas réglées. Ce faisant, la Commission peut :

- a) décider des questions à inclure dans une entente sur les services essentiels entre les parties;
- b) ordonner que les conditions qu'elle précise sont réputées faire partie d'une entente sur les services essentiels entre les parties;
- c) ordonner que les parties sont réputées avoir conclu une entente sur les services essentiels;
- d) donner les autres directives qu'elle estime appropriées. 1993, chap. 38, par. 36 (1).

Idem

(2) La Commission peut consulter les parties pour régler toute question soulevée dans la requête ou peut enquêter sur toute question soulevée dans la requête, ou peut faire les deux. 1993, chap. 38, par. 36 (2).

Ordonnances après consultation

(3) La Commission peut rendre l'ordonnance provisoire ou définitive qu'elle juge appropriée après avoir consulté les parties ou au cours d'une enquête. 1993, chap. 38, par. 36 (3).

Réexamen

(4) Sur autre requête de l'employeur ou du syndicat, la Commission peut modifier ses décisions ou ses directives à la lumière d'un changement dans les circonstances. 1993, chap. 38, par. 36 (4).

Durée de l'entente sur les services essentiels

37. (1) L'entente sur les services essentiels demeure en vigueur jusqu'à ce qu'une des parties y mette fin. 1993, chap. 38, par. 37 (1).

Possibilité de mettre fin à l'entente

(2) Une partie ne peut mettre fin à une entente sur les services essentiels que si les parties ont conclu une convention collective et qu'il reste au moins 190 jours avant l'expiration de celle-ci. 1993, chap. 38, par. 37 (2).

Méthode

(3) Une partie peut mettre fin à une entente sur les services essentiels en en avisant l'autre partie par écrit. 1993, chap. 38, par. 37 (3).

Exécution de l'entente sur les services essentiels

38. (1) Une partie à une entente sur les services essentiels peut, par voie de requête, demander à la Commission d'en forcer l'exécution. 1995, chap. 1, art. 42.

Amendment of agreement

(2) A party to an agreement may apply to the Board to amend it,

- (a) if the agreement does not provide for services that are essential services;
- (b) if it provides for levels of service that are greater or less than required to provide the essential services; or
- (c) if it provides for too many or too few employees in the bargaining unit to provide the essential services. 1995, c. 1, s. 42.

Order

(3) On an application under this section, the Board may enforce the agreement or amend it and may make such other orders as it considers appropriate in the circumstances. 1995, c. 1, s. 42.

Same

(4) Subsection 32 (2) applies with necessary modifications when the Board is deciding an application under subsection (2). 1995, c. 1, s. 42.

Burden of proof

39. (1) In an application or complaint relating to this Part, the burden of proof that services are essential services lies upon the party alleging that they are. 1993, c. 38, s. 39 (1).

Same

(2) In an application or complaint relating to this Part, the burden of proof that circumstances constitute or would constitute an emergency lies upon the party alleging it. 1993, c. 38, s. 39 (2).

Use of employees, essential services

40. (1) During a strike or lock-out, the employer is entitled to use, to provide essential services, such employees in the bargaining unit as are necessary as provided in the essential services part of the essential services agreement. 1993, c. 38, s. 40 (1).

Notification of employees

(2) The employer shall notify the employees who, under the essential services part of the essential services agreement, the employer is entitled to use under subsection (1) during a strike or lock-out. 1993, c. 38, s. 40 (2).

Limitation on strike, lock-out rights

(3) Employees who have been notified by the employer or trade union that the employer is entitled to use them under subsection (1) may not strike and may not be locked out. 1993, c. 38, s. 40 (3).

Modification de l'entente

(2) Une partie à une entente peut, par voie de requête, demander à la Commission d'y apporter des modifications si, selon le cas :

- a) l'entente ne prévoit pas de services qui sont des services essentiels;
- b) elle prévoit des niveaux de service qui sont supérieurs ou inférieurs à ceux qui sont nécessaires pour fournir les services essentiels;
- c) elle prévoit un trop grand ou trop petit nombre d'employés compris dans l'unité de négociation pour fournir les services essentiels. 1995, chap. 1, art. 42.

Ordonnance

(3) Sur requête présentée en vertu du présent article, la Commission peut forcer l'exécution de l'entente ou y apporter des modifications et elle peut rendre les autres ordonnances qu'elle estime appropriées dans les circonstances. 1995, chap. 1, art. 42.

Idem

(4) Le paragraphe 32 (2) s'applique, avec les adaptations nécessaires, lorsque la Commission statue sur la requête visée au paragraphe (2). 1995, chap. 1, art. 42.

Fardeau de la preuve

39. (1) Dans le cadre d'une requête ou d'une plainte ayant trait à la présente partie, le fardeau de la preuve que des services sont des services essentiels revient à la partie qui prétend qu'ils le sont. 1993, chap. 38, par. 39 (1).

Idem

(2) Dans le cadre d'une requête ou d'une plainte ayant trait à la présente partie, le fardeau de la preuve que des circonstances constituent ou constitueraient une urgence revient à la partie qui le prétend. 1993, chap. 38, par. 39 (2).

Recours à des employés, services essentiels

40. (1) Pendant une grève ou un lock-out, l'employeur a le droit d'avoir recours, pour fournir des services essentiels, aux employés compris dans l'unité de négociation qui sont nécessaires comme le prévoit la partie sur les services essentiels de l'entente sur les services essentiels. 1993, chap. 38, par. 40 (1).

Avis aux employés

(2) L'employeur avise les employés auxquels, aux termes de la partie sur les services essentiels de l'entente sur les services essentiels, il a le droit d'avoir recours à eux en vertu du paragraphe (1) pendant une grève ou un lock-out. 1993, chap. 38, par. 40 (2).

Restriction des droits

(3) Les employés qui ont été avisés par l'employeur ou le syndicat que l'employeur a le droit d'avoir recours à eux en vertu du paragraphe (1) ne peuvent pas faire la grève ni être mis en lock-out. 1993, chap. 38, par. 40 (3).

(4) REPEALED: 1995, c. 1, s. 43.

Use of employees, emergency services

41. (1) In an emergency during a strike or lock-out, the employer is entitled to use such employees as the emergency services part of the essential services agreement provides for. 1993, c. 38, s. 41 (1).

Limitation on strike rights

(2) Employees who have been notified that the employer is entitled to use them under subsection (1) and wishes to do so may not strike while the employer is so entitled and so wishes. 1993, c. 38, s. 41 (2).

(3) REPEALED: 1995, c. 1, s. 44.

Use of other persons

41.1 (1) An essential services agreement shall not directly or indirectly prevent the employer from using a person to perform any work during a strike or lock-out. 1995, c. 1, s. 45.

Same

(2) A provision in an essential services agreement that conflicts with subsection (1) is void. 1995, c. 1, s. 45.

Application re meaningful bargaining

42. (1) A party to an essential services agreement may apply to the Ontario Labour Relations Board for a declaration that the agreement has prevented meaningful collective bargaining. 1995, c. 1, s. 46.

Restriction

(2) No application may be made until employees in the bargaining unit have been on strike or locked out for at least 10 days. 1995, c. 1, s. 46.

Same

(3) The Board shall consider whether sufficient time has elapsed in the dispute between the parties to permit it to determine whether meaningful collective bargaining has been prevented. 1995, c. 1, s. 46.

Deferred decision

(4) The Board may defer making a decision on the application until such time as it considers appropriate. 1995, c. 1, s. 46.

Factor to be considered

(5) In deciding whether to make the declaration, the Board shall consider only whether meaningful collective bargaining is prevented because of the number of persons identified in the agreement whose services the employer has used to enable the employer to provide the essential services. 1995, c. 1, s. 46.

(4) ABROGÉ : 1995, chap. 1, art. 43.

Recours à des employés, services d'urgence

41. (1) En cas d'urgence pendant une grève ou un lock-out, l'employeur a le droit d'avoir recours aux employés que prévoit la partie sur les services d'urgence de l'entente sur les services essentiels. 1993, chap. 38, par. 41 (1).

Restriction des droits

(2) Les employés qui ont été avisés que l'employeur a le droit d'avoir recours à eux en vertu du paragraphe (1) et désire s'en prévaloir ne peuvent pas faire la grève pendant que l'employeur a ce droit et désire s'en prévaloir. 1993, chap. 38, par. 41 (2).

(3) ABROGÉ : 1995, chap. 1, art. 44.

Recours à d'autres personnes

41.1 (1) Une entente sur les services essentiels ne doit pas, directement ou indirectement, empêcher l'employeur d'avoir recours à une personne pour effectuer un travail pendant une grève ou un lock-out. 1995, chap. 1, art. 45.

Idem

(2) Est nulle toute disposition d'une entente sur les services essentiels qui est incompatible avec le paragraphe (1). 1995, chap. 1, art. 45.

Requête, négociation valable

42. (1) Une partie à une entente sur les services essentiels peut, par voie de requête, demander à la Commission des relations de travail de l'Ontario de déclarer qu'il n'a pas été possible de procéder à la négociation collective de façon valable en raison de l'entente. 1995, chap. 1, art. 46.

Restriction

(2) Aucune requête ne peut être présentée tant que les employés compris dans l'unité de négociation n'ont pas été en grève ou en lock-out pendant au moins 10 jours. 1995, chap. 1, art. 46.

Idem

(3) La Commission juge s'il s'est écoulé assez de temps depuis le début du conflit entre les parties pour lui permettre de décider s'il n'a pas été possible de procéder à la négociation collective de façon valable. 1995, chap. 1, art. 46.

Décision différée

(4) La Commission peut remettre la prise d'une décision au sujet de la requête à la date qu'elle juge appropriée. 1995, chap. 1, art. 46.

Facteur à prendre en considération

(5) Lorsqu'elle décide si elle doit faire la déclaration, la Commission juge seulement s'il n'est pas possible de procéder à la négociation collective de façon valable en raison du nombre de personnes déterminées dans l'entente aux services desquelles l'employeur a eu recours pour lui permettre de fournir les services essentiels. 1995, chap. 1, art. 46.

Order

(6) If the Board makes the declaration, the Board may amend the essential services agreement to change the number of employee positions or to change the number of employees in the bargaining unit that are designated as necessary to enable the employer to provide the essential services. 1995, c. 1, s. 46.

43. REPEALED: 1995, c. 1, s. 47.

44. REPEALED: 1995, c. 1, s. 47.

45. REPEALED: 1995, c. 1, s. 47.

PART V GRIEVANCE SETTLEMENT BOARD

Grievance Settlement Board

46. The Grievance Settlement Board is continued. 1993, c. 38, s. 46.

Composition and administration of Board

47. (1) Subject to the specific requirements in this section, the composition and administration of the Grievance Settlement Board shall be determined by the agreement of the Crown in right of Ontario and the trade unions representing Crown employees or, failing such agreement, by the chair of the Grievance Settlement Board. 1993, c. 38, s. 47 (1).

Composition

(2) The Grievance Settlement Board shall be composed of a chair, one or more vice-chairs and an equal number of members representing the Crown employees that are represented by a trade union and members representing the Crown in right of Ontario. 1993, c. 38, s. 47 (2).

Same

(3) The number of vice-chairs and members shall be determined by the Crown and the trade unions. If the Crown and the trade unions fail to agree, or fail to continue to agree, the chair of the Grievance Settlement Board shall determine the numbers of vice-chairs and members. 1993, c. 38, s. 47 (3).

Appointments to Board

(4) The Lieutenant Governor in Council shall appoint, as the chair, vice-chairs and members, the persons selected in accordance with the following:

1. The person to be appointed as the chair shall be selected by the Crown and the trade unions. If the Crown and the trade unions fail to agree, the Lieutenant Governor in Council shall select the person to be appointed.
2. The persons to be appointed as vice-chairs shall be selected by the Crown and the trade unions. If the Crown and the trade unions fail to agree, the chair of the Grievance Settlement Board shall select the persons to be appointed.

Ordonnance

(6) Si elle fait la déclaration, la Commission peut modifier l'entente sur les services essentiels afin de changer le nombre de postes d'employés ou le nombre d'employés compris dans l'unité de négociation qui sont désignés comme étant nécessaires pour permettre à l'employeur de fournir les services essentiels. 1995, chap. 1, art. 46.

43. ABROGÉ : 1995, chap. 1, art. 47.

44. ABROGÉ : 1995, chap. 1, art. 47.

45. ABROGÉ : 1995, chap. 1, art. 47.

PARTIE V COMMISSION DE RÈGLEMENT DES GRIEFS

Commission de règlement des griefs

46. La Commission de règlement des griefs est maintenue. 1993, chap. 38, art. 46.

Composition et administration de la Commission

47. (1) Sous réserve des exigences particulières du présent article, la composition et l'administration de la Commission de règlement des griefs sont déterminées au moyen d'une entente conclue entre la Couronne du chef de l'Ontario et les syndicats représentant les employés de la Couronne ou, s'ils ne s'entendent pas, par le président de la Commission. 1993, chap. 38, par. 47 (1).

Composition

(2) La Commission de règlement des griefs se compose d'un président, d'un ou de plusieurs vice-présidents et de membres répartis en un nombre égal de représentants des employés de la Couronne représentés par un syndicat et de représentants de la Couronne du chef de l'Ontario. 1993, chap. 38, par. 47 (2).

Idem

(3) La Couronne et les syndicats fixent le nombre de vice-présidents et de membres. Si la Couronne et les syndicats ne s'entendent pas, ou ne s'entendent plus, le président de la Commission de règlement des griefs fixe le nombre de vice-présidents et de membres. 1993, chap. 38, par. 47 (3).

Nominations à la Commission

(4) Le lieutenant-gouverneur en conseil nomme, comme président, vice-présidents et membres, les personnes choisies conformément aux règles suivantes :

1. La personne devant être nommée président est choisie par la Couronne et les syndicats. Si la Couronne et les syndicats ne s'entendent pas, le lieutenant-gouverneur en conseil choisit la personne qui sera nommée.
2. Les personnes devant être nommées vice-présidents sont choisies par la Couronne et les syndicats. Si la Couronne et les syndicats ne s'entendent pas, le président de la Commission de règlement des griefs choisit les personnes qui seront nommées.

3. The persons to be appointed as members representing the employees shall be selected by the trade unions. If the trade unions fail to agree, the chair of the Grievance Settlement Board shall select the persons to be appointed.
4. The persons to be appointed as members representing the Crown shall be selected by the Lieutenant Governor in Council or by a person to whom the selection has been delegated by the Lieutenant Governor in Council. If the Lieutenant Governor in Council or the delegate does not make the selection, the chair of the Grievance Settlement Board shall select the persons to be appointed. 1993, c. 38, s. 47 (4).

Terms of appointments

(5) Appointments under subsection (4) shall be for terms up to two years. Anyone may be reappointed any number of times. 1993, c. 38, s. 47 (5).

Powers following resignation, etc.

(6) If a member or vice-chair resigns or his or her appointment expires, the chair may authorize the member or vice-chair to complete his or her duties or responsibilities and exercise the powers of a member or vice-chair in connection with any matter before the Grievance Settlement Board in which the member or vice-chair was participating. 1993, c. 38, s. 47 (6).

Same

(7) If the chair resigns or his or her appointment expires, the new chair may authorize the former chair to complete his or her duties or responsibilities and exercise the powers of the chair in connection with any matter before the Grievance Settlement Board in which the former chair was participating. 1993, c. 38, s. 47 (7).

Remuneration and expenses of appointees

(8) Subject to subsection (9), the remuneration and expenses of the chair, vice-chairs and members shall be in accordance with whatever they agreed to at the time they were selected for appointment. 1993, c. 38, s. 47 (8).

Limits on remuneration and expenses

(9) The Lieutenant Governor in Council may determine limits for the remuneration and expenses that may be agreed to and any agreement made after such a limit comes into force is ineffective to the extent that it provides for remuneration or expenses that exceed the limit. 1993, c. 38, s. 47 (9).

Costs of Board

(10) The costs of the Grievance Settlement Board shall be shared by the Crown and the trade unions in accordance with the following:

1. The remuneration and expenses of the members representing the Crown shall be paid by the Crown.
2. The remuneration and expenses of the members representing the employees shall be paid by the trade unions.

3. Les personnes devant être nommées membres représentant les employés sont choisies par les syndicats. Si ceux-ci ne s'entendent pas, le président de la Commission de règlement des griefs choisit les personnes qui seront nommées.

4. Les personnes devant être nommées membres représentant la Couronne sont choisies par le lieutenant-gouverneur en conseil ou par une personne qu'il délègue à cette fin. Si le lieutenant-gouverneur en conseil ou son délégué ne fait aucun choix, le président de la Commission de règlement des griefs choisit les personnes qui seront nommées. 1993, chap. 38, par. 47 (4).

Mandats

(5) Les personnes nommées aux termes du paragraphe (4) ont un mandat renouvelable d'au plus deux ans. 1993, chap. 38, par. 47 (5).

Pouvoirs après une démission

(6) Si un membre ou un vice-président démissionne ou que son mandat expire, le président peut l'autoriser à terminer ses tâches et à exercer ses pouvoirs relativement aux questions dont la Commission de règlement des griefs est saisie et auxquelles il a participé en qualité de membre ou de vice-président. 1993, chap. 38, par. 47 (6).

Idem

(7) Si le président démissionne ou que son mandat expire, le nouveau président peut l'autoriser à terminer ses tâches et à exercer ses pouvoirs relativement aux questions dont la Commission de règlement des griefs est saisie et auxquelles il a participé en qualité de président. 1993, chap. 38, par. 47 (7).

Rémunération et indemnités

(8) Sous réserve du paragraphe (9), le président, les vice-présidents et les membres reçoivent la rémunération et les indemnités dont ils ont convenu au moment où ils ont été choisis. 1993, chap. 38, par. 47 (8).

Rémunération et indemnités limitées

(9) Le lieutenant-gouverneur en conseil peut limiter la rémunération et les indemnités dont il peut être convenu et toute entente conclue après l'entrée en vigueur d'une telle limite est sans effet dans la mesure où elle prévoit une rémunération ou des indemnités supérieures à la limite. 1993, chap. 38, par. 47 (9).

Frais de la Commission

(10) La Couronne et les syndicats se partagent les frais de la Commission de règlement des griefs conformément aux règles suivantes :

1. La Couronne verse la rémunération et les indemnités des membres représentant la Couronne.
2. Les syndicats versent la rémunération et les indemnités des membres représentant les employés.

3. The costs of the Grievance Settlement Board, other than the remuneration and expenses of the members representing the Crown or the employees, shall be shared with the Crown paying one-half of the costs and the trade unions paying the other half.
4. If the trade unions fail to agree, or fail to continue to agree, on how to share their share of the costs under paragraph 2 or 3, the costs shall be shared as determined by the chair of the Grievance Settlement Board. In determining how those costs should be shared, the chair shall request and consider the views of the trade unions and determine a method of sharing the costs that is proportionate to the use of the resources of the Grievance Settlement Board by each trade union. 1993, c. 38, s. 47 (10).

Exercise of powers by chair

(11) Before the chair of the Grievance Settlement Board exercises any power under this section following a failure to agree, the chair must request and consider the views of those who failed to agree. 1993, c. 38, s. 47 (11).

Practice and procedure

48. (1) Subject to the specific requirements in this Part and to any requirements in the *Labour Relations Act, 1995*, the Grievance Settlement Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceeding to present their evidence and to make their submissions. 1993, c. 38, s. 48 (1); 1995, c. 1, s. 48.

Rules

(2) The Grievance Settlement Board may make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as it considers advisable. 1993, c. 38, s. 48 (2).

Rules not regulations

(3) Rules made under this section are not regulations within the meaning of the *Regulations Act*. 1993, c. 38, s. 48 (3).

Criminal conviction or discharge considered conclusive evidence

48.1 (1) If a Crown employee is convicted or discharged of an offence under the *Criminal Code* (Canada) in respect of an act or omission that results in discipline or dismissal and the discipline or dismissal becomes the subject-matter of a grievance before the Grievance Settlement Board, proof of the employee's conviction or discharge shall, after the time for an appeal has expired or, if an appeal was taken, it was dismissed and no further appeal is available, be taken by the Grievance Settlement Board as conclusive evidence that the employee committed the act or omission. 2001, c. 7, s. 18.

3. La Couronne et les syndicats assument la moitié chacun des frais de la Commission de règlement des griefs, autres que la rémunération et les indemnités des membres représentant la Couronne ou les employés.

4. Si les syndicats ne s'entendent pas, ou ne s'entendent plus, sur la façon de se partager les frais visés à la disposition 2 ou 3, ceux-ci sont partagés comme le fixe le président de la Commission de règlement des griefs. Lorsqu'il fixe le partage des frais, le président demande l'opinion des syndicats et en tient compte, et décide d'une méthode de partage des frais qui est proportionnelle à l'utilisation que fait chaque syndicat des ressources de la Commission. 1993, chap. 38, par. 47 (10).

Exercice des pouvoirs par le président

(11) Avant d'exercer un pouvoir que lui confère le présent article par suite d'un défaut de s'entendre, le président de la Commission de règlement des griefs doit demander l'opinion de ceux qui ne s'entendent pas et en tenir compte. 1993, chap. 38, par. 47 (11).

Pratique et procédure

48. (1) Sous réserve des exigences particulières de la présente partie et des exigences de la *Loi de 1995 sur les relations de travail*, la Commission de règlement des griefs régit ses propres pratique et procédure, mais donne aux parties à une instance la pleine possibilité de présenter leurs preuves et de faire valoir leurs arguments. 1993, chap. 38, par. 48 (1); 1995, chap. 1, art. 48.

Règles

(2) La Commission de règlement des griefs peut établir des règles régissant sa pratique et sa procédure ainsi que l'exercice de ses pouvoirs, et prescrivant les formules qu'elle estime opportunes. 1993, chap. 38, par. 48 (2).

Les règles ne sont pas des règlements

(3) Les règles établies en vertu du présent article ne sont pas des règlements au sens de la *Loi sur les règlements*. 1993, chap. 38, par. 48 (3).

Condamnation au criminel ou absolution tenue pour preuve concluante

48.1 (1) Si un employé de la Couronne est déclaré coupable ou qu'il est absous d'une infraction au *Code criminel* (Canada) à l'égard d'un acte ou d'une omission qui donne lieu à une mesure disciplinaire ou à un congédiement et que la mesure disciplinaire ou le congédiement fait l'objet d'un grief devant la Commission de règlement des griefs, la preuve de la déclaration de culpabilité ou de l'absolution de l'employé est, après l'expiration du délai d'appel ou, s'il y a eu un appel, après qu'il a été rejeté et qu'il n'y a plus d'appel possible, tenue pour preuve concluante par la Commission que l'employé a commis l'acte ou l'omission. 2001, chap. 7, art. 18.

Adjournment pending appeal to be granted

(2) If an adjournment of a grievance is requested pending an appeal of a conviction or a discharge mentioned in subsection (1), the Grievance Settlement Board shall grant the adjournment. 2001, c. 7, s. 18.

Members of the Board who determine matters

49. (1) A matter to be determined by the Grievance Settlement Board shall be determined by a three person panel of the Board, except as provided in subsection (3) or (4) or section 50. 1993, c. 38, s. 49 (1).

Composition of panel

(2) A panel of the Grievance Settlement Board shall consist of the chair or a vice-chair, one member who represents employees and one member who represents the Crown. 1993, c. 38, s. 49 (2).

Single arbitrator

(3) The chair of the Grievance Settlement Board may provide for a matter to be determined by the chair or a vice-chair sitting alone if,

- (a) the chair considers that the possibility of undue delay or other prejudice to a party makes it appropriate to do so; or
- (b) the parties consent. 1993, c. 38, s. 49 (3).

Same

(4) The chair of the Grievance Settlement Board shall provide for a matter to be determined by the chair or a vice-chair sitting alone following a request under subsection 6 (3). 1993, c. 38, s. 49 (4).

Agreement between the parties

50. (1) An employer and trade union may make an agreement relating to matters that may be determined by the Grievance Settlement Board that provides for,

- (a) certain matters that arise between them to be determined by the chair or a vice-chair sitting alone;
- (b) the selection of the individuals who will determine certain matters;
- (c) time limits within which hearings of certain matters must commence. 1993, c. 38, s. 50 (1).

Same

(1.1) An employer and trade union may make an agreement as to the sequence in which the Grievance Settlement Board shall consider outstanding matters in which the employer and trade union have an interest. 1995, c. 1, s. 49 (1).

Ajournement en attendant l'appel

(2) Si l'ajournement d'un grief est demandé en attendant qu'il soit interjeté appel d'une déclaration de culpabilité ou d'une absolution visée au paragraphe (1), la Commission de règlement des griefs accorde l'ajournement. 2001, chap. 7, art. 18.

Prise de décisions par des membres de la Commission

49. (1) Sous réserve du paragraphe (3) ou (4) ou de l'article 50, un comité de la Commission de règlement des griefs composé de trois personnes statue sur les questions sur lesquelles doit statuer la Commission. 1993, chap. 38, par. 49 (1).

Composition du comité

(2) Le comité de la Commission de règlement des griefs est formé du président ou d'un vice-président, d'un membre représentant les employés et d'un membre représentant la Couronne. 1993, chap. 38, par. 49 (2).

Arbitre unique

(3) Le président de la Commission de règlement des griefs peut prévoir qu'il soit statué sur une question par le président ou un vice-président siégeant seul si, selon le cas :

- a) le président estime qu'étant donné la possibilité qu'une partie subisse un retard indu ou un autre préjudice, il est opportun de procéder ainsi;
- b) les parties y consentent. 1993, chap. 38, par. 49 (3).

Idem

(4) Le président de la Commission de règlement des griefs prévoit que le président ou un vice-président siégeant seul statue sur une question à la suite d'une demande présentée en vertu du paragraphe 6 (3). 1993, chap. 38, par. 49 (4).

Entente entre les parties

50. (1) L'employeur et un syndicat peuvent conclure une entente concernant les questions sur lesquelles la Commission de règlement des griefs peut statuer, qui prévoit ce qui suit :

- a) certaines questions sur lesquelles ils ne sont pas d'accord et sur lesquelles le président ou un vice-président siégeant seul doit statuer;
- b) le choix des particuliers qui statueront sur certaines questions;
- c) les délais dans lesquels l'audition de certaines questions doit débiter. 1993, chap. 38, par. 50 (1).

Idem

(1.1) L'employeur et un syndicat peuvent conclure une entente sur l'ordre dans lequel la Commission de règlement des griefs examine les questions en suspens qui les intéressent. 1995, chap. 1, par. 49 (1).

Effect of agreement

(2) Upon receiving notice of an agreement from a party, the Grievance Settlement Board shall give effect to it. 1995, c. 1, s. 49 (2).

Same

(3) The Grievance Settlement Board shall cease to give effect to an agreement upon receiving notice from a party that the party no longer wants the agreement to apply. 1993, c. 38, s. 50 (3).

Classification grievances, restriction

51. (1) An order of the Grievance Settlement Board shall not require the creation of a new classification of employees or the alteration of an existing classification. 1993, c. 38, s. 51.

Same

(2) An order of the Grievance Settlement Board shall not require a change to be made in the classification of an employee. 1995, c. 1, s. 50.

PART VI MISCELLANEOUS

GENERAL**Classification issues**

52. (1) A provision in an agreement entered into that provides for the determination by an arbitrator, a board of arbitration or another tribunal of any of the following matters is void:

1. A classification system of employees, including creating a new classification system or amending an existing classification system.
2. The classification of an employee, including changing an employee's classification. 1995, c. 1, s. 51.

Same

(2) Subsection (1) applies to agreements entered into before or after the date on which the *Labour Relations and Employment Statute Law Amendment Act, 1995* receives Royal Assent. 1995, c. 1, s. 51.

TRANSITIONAL PROVISIONS**Definitions**

53. In sections 54 to 60,

“*Labour Relations Act*” means the *Labour Relations Act* as it read immediately before subsection 1 (2) of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force; (“*Loi sur les relations de travail*”)

“old Act” means the *Crown Employees Collective Bargaining Act*, being Chapter C.50 of the Revised Statutes of Ontario, 1990. (“*ancienne loi*”) 1995, c. 1, s. 52.

Prise d'effet de l'entente

(2) Dès qu'elle est avisée d'une entente par une partie, la Commission de règlement des griefs y donne effet. 1995, chap. 1, par. 49 (2).

Idem

(3) La Commission de règlement des griefs cesse de donner effet à une entente dès qu'elle est avisée par une partie que celle-ci ne veut plus que l'entente s'applique. 1993, chap. 38, par. 50 (3).

Griefs touchant la classification, restriction

51. (1) Les ordonnances de la Commission de règlement des griefs ne doivent pas exiger la création d'une nouvelle classification d'employés ni la modification d'une classification existante. 1993, chap. 38, art. 51.

Idem

(2) Les ordonnances de la Commission de règlement des griefs ne doivent pas exiger de changement à la classification d'un employé. 1995, chap. 1, art. 50.

PARTIE VI DISPOSITIONS DIVERSES

DISPOSITIONS GÉNÉRALES**Questions de classification**

52. (1) Est nulle la disposition d'une entente conclue qui prévoit qu'un arbitre, conseil d'arbitrage ou autre tribunal administratif statue sur l'une ou l'autre des questions suivantes :

1. Un système de classification d'employés, y compris la création d'un nouveau système de classification ou la modification d'un système de classification existant.
2. La classification d'un employé, y compris le changement de classification d'un employé. 1995, chap. 1, art. 51.

Idem

(2) Le paragraphe (1) s'applique aux ententes conclues avant ou après la date à laquelle la *Loi de 1995 modifiant des lois en ce qui concerne les relations de travail et l'emploi* reçoit la sanction royale. 1995, chap. 1, art. 51.

DISPOSITIONS TRANSITOIRES**Définitions**

53. Les définitions qui suivent s'appliquent aux articles 54 à 60.

«*ancienne loi*» La *Loi sur la négociation collective des employés de la Couronne*, qui constitue le chapitre C.50 des Lois refondues de l'Ontario de 1990. («old Act»)

«*Loi sur les relations de travail*» La *Loi sur les relations de travail* telle qu'elle existait immédiatement avant l'entrée en vigueur du paragraphe 1 (2) de la *Loi de 1995 modifiant des lois en ce qui concerne les relations de travail et l'emploi*. («*Labour Relations Act*») 1995, chap. 1, art. 52.

Bargaining units

54. (1) A unit of employees that was a bargaining unit under the old Act immediately before the repeal of that Act is an appropriate bargaining unit for the purposes of the *Labour Relations Act* or this Act until the description of the bargaining unit is altered under the *Labour Relations Act* or this Act. 1993, c. 38, s. 54 (1); 1995, c. 1, s. 53 (1).

Changes

(2) Despite this Act and the *Labour Relations Act*, the description of a bargaining unit referred to in subsection (1) cannot be altered until after a collective agreement is made following the coming into force of this section. 1993, c. 38, s. 54 (2); 1995, c. 1, s. 53 (2).

Exception

(3) This section does not apply with respect to a bargaining unit continued by section 23. 1993, c. 38, s. 54 (3); 1995, c. 1, s. 53 (3).

Bargaining agents

55. A bargaining agent that, immediately before the repeal of the old Act, represented employees in a bargaining unit to which section 54 applies continues to represent them until it ceases to do so under this Act. 1995, c. 1, s. 54.

Collective agreements

56. (1) A collective agreement under the old Act that had not expired before the repeal of that Act is a collective agreement under the *Labour Relations Act* and under this Act. 1993, c. 38, s. 56 (1); 1995, c. 1, s. 55 (1).

Labour Relations Act applies

(2) All the provisions of the *Labour Relations Act* that apply to a collective agreement apply to a collective agreement referred to in subsection (1) including provisions that deem collective agreements to contain specified terms. 1993, c. 38, s. 56 (2).

Same

(3) Subsection (2) applies with respect to any period after the repeal of the old Act and before subsection 1 (2) of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force. 1995, c. 1, s. 55 (2).

Same

(3.1) All the provisions of this Act that apply to a collective agreement apply to a collective agreement referred to in subsection (1) including provisions that deem collective agreements to contain specified terms. 1995, c. 1, s. 55 (2).

Unités de négociation

54. (1) L'unité d'employés qui était une unité de négociation aux termes de l'ancienne loi immédiatement avant l'abrogation de cette loi est une unité de négociation appropriée pour l'application de la *Loi sur les relations de travail* ou de la présente loi jusqu'à ce que la définition de l'unité de négociation soit modifiée aux termes de la *Loi sur les relations de travail* ou de la présente loi. 1993, chap. 38, par. 54 (1); 1995, chap. 1, par. 53 (1).

Modifications

(2) Malgré la présente loi et la *Loi sur les relations de travail*, la définition de l'unité de négociation visée au paragraphe (1) ne peut pas être modifiée avant qu'une convention collective n'ait été conclue après l'entrée en vigueur du présent article. 1993, chap. 38, par. 54 (2); 1995, chap. 1, par. 53 (2).

Exception

(3) Le présent article ne s'applique pas à l'égard d'une unité de négociation maintenue par l'article 23. 1993, chap. 38, par. 54 (3); 1995, chap. 1, par. 53 (3).

Agents négociateurs

55. L'agent négociateur qui, immédiatement avant l'abrogation de l'ancienne loi, représentait des employés compris dans une unité de négociation à laquelle s'applique l'article 54 continue de les représenter jusqu'à ce qu'il cesse de le faire aux termes de la présente loi. 1995, chap. 1, art. 54.

Conventions collectives

56. (1) La convention collective visée par l'ancienne loi qui n'avait pas expiré avant l'abrogation de cette loi est une convention collective aux termes de la *Loi sur les relations de travail* et de la présente loi. 1993, chap. 38, par. 56 (1); 1995, chap. 1, par. 55 (1).

Application de la *Loi sur les relations de travail*

(2) Les dispositions de la *Loi sur les relations de travail* qui s'appliquent à une convention collective s'appliquent à la convention collective visée au paragraphe (1), y compris les dispositions selon lesquelles les conventions collectives sont réputées contenir des conditions précises. 1993, chap. 38, par. 56 (2).

Idem

(3) Le paragraphe (2) s'applique à l'égard de toute période suivant l'abrogation de l'ancienne loi et précédant l'entrée en vigueur du paragraphe 1 (2) de la *Loi de 1995 modifiant des lois en ce qui concerne les relations de travail et l'emploi*. 1995, chap. 1, par. 55 (2).

Idem

(3.1) Les dispositions de la présente loi qui s'appliquent à une convention collective s'appliquent à la convention collective visée au paragraphe (1), y compris les dispositions selon lesquelles les conventions collectives sont réputées contenir des conditions précises. 1995, chap. 1, par. 55 (2).

Same

(3.2) Subsection (3.1) applies with respect to periods on and after subsection 1 (2) of the *Labour Relations and Employment Statute Law Amendment Act, 1995* comes into force. 1995, c. 1, s. 55 (2).

Retroactive collective agreements

(4) The old Act applies, subject to subsection (5), to a collective agreement if,

- (a) the agreement is made after the repeal of the old Act but is retroactive to a time before the repeal of that Act; and
- (b) the old Act would have applied to the agreement had that Act not been repealed. 1993, c. 38, s. 56 (4).

Same

(5) The old Act applies under subsection (4) only with respect to periods before the repeal of that Act. 1993, c. 38, s. 56 (5).

Effect of designation, etc.

(6) The establishment or continuation of bargaining units under section 23 and the designation or continuation of a bargaining agent under section 24 does not affect the operation of a collective agreement in force at the time of the designation. 1995, c. 1, s. 55 (3).

Bargaining

57. (1) If notice to bargain is given under subsection 8 (1) or 22 (1) of the old Act before this subsection comes into force but a collective agreement has not been made, the old Act continues to apply until a collective agreement is made. 1993, c. 38, s. 57 (1).

Exception

(2) Despite subsection (1), the parties may agree that the old Act ceases to apply before the collective agreement is made. 1993, c. 38, s. 57 (2).

Exception

(3) This section does not apply with respect to a bargaining unit continued by section 23. 1993, c. 38, s. 57 (3); 1995, c. 1, s. 56.

58. REPEALED: 1995, c. 1, s. 57.

Ontario Public Service Labour Relations Tribunal

59. (1) In this section,

«Tribunal» means the Ontario Public Service Labour Relations Tribunal. 1993, c. 38, s. 59 (1).

Idem

(3.2) Le paragraphe (3.1) s'applique à l'égard de périodes qui commencent le jour de l'entrée en vigueur du paragraphe 1 (2) de la *Loi de 1995 modifiant des lois en ce qui concerne les relations de travail et l'emploi* ou par la suite. 1995, chap. 1, par. 55 (2).

Effet rétroactif des conventions collectives

(4) L'ancienne loi s'applique, sous réserve du paragraphe (5), à une convention collective si les conditions suivantes sont réunies :

- a) la convention est conclue après l'abrogation de l'ancienne loi, mais elle est rétroactive à une période précédant l'abrogation de cette loi;
- b) l'ancienne loi se serait appliquée à la convention si elle n'avait pas été abrogée. 1993, chap. 38, par. 56 (4).

Idem

(5) L'ancienne loi ne s'applique aux termes du paragraphe (4) qu'à l'égard des périodes précédant l'abrogation de cette loi. 1993, chap. 38, par. 56 (5).

Prise d'effet de la désignation

(6) La formation ou le maintien d'unités de négociation en vertu de l'article 23 et la désignation ou le maintien d'un agent négociateur en vertu de l'article 24 n'ont aucun effet sur l'application d'une convention collective en vigueur au moment où la désignation a été effectuée. 1995, chap. 1, par. 55 (3).

Négociation

57. (1) Si un avis d'intention de négocier est donné en vertu du paragraphe 8 (1) ou 22 (1) de l'ancienne loi avant l'entrée en vigueur du présent paragraphe, mais qu'une convention collective n'a pas été conclue, l'ancienne loi continue de s'appliquer jusqu'à ce qu'une convention collective soit conclue. 1993, chap. 38, par. 57 (1).

Exception

(2) Malgré le paragraphe (1), les parties peuvent convenir que l'ancienne loi cesse de s'appliquer avant que la convention collective ne soit conclue. 1993, chap. 38, par. 57 (2).

Exception

(3) Le présent article ne s'applique pas à l'égard d'une unité de négociation maintenue par l'article 23. 1993, chap. 38, par. 57 (3); 1995, chap. 1, art. 56.

58. ABROGÉ : 1995, chap. 1, art. 57.

Tribunal des relations de travail de la fonction publique de l'Ontario

59. (1) La définition qui suit s'applique au présent article.

«Tribunal» S'entend du Tribunal des relations de travail de la fonction publique de l'Ontario. 1993, chap. 38, par. 59 (1).

Tribunal continued

(2) The Tribunal is continued for the purposes of disposing of any matters in respect of which an application was made to the Tribunal before the repeal of the old Act. 1993, c. 38, s. 59 (2).

Dissolution of Tribunal

(3) The Tribunal is dissolved on the day it disposes of the last of the matters referred to in subsection (2) or on a later day named by proclamation of the Lieutenant Governor. 1993, c. 38, s. 59 (3).

Old Act continues to apply

(4) Despite its repeal, the provisions of the old Act that relate to the Tribunal continue to apply with respect to the Tribunal and to the matters before it until the Tribunal is dissolved. 1993, c. 38, s. 59 (4).

Reconsideration

(5) While the Tribunal is continued, it may reconsider anything under section 39 of the old Act and, after it is dissolved, the Ontario Labour Relations Board may reconsider anything done by the Tribunal. 1993, c. 38, s. 59 (5).

(6) REPEALED: 1995, c. 1, s. 58.

Act of the Tribunal

(7) Anything done by the Tribunal shall be deemed, after the old Act is repealed, to have been done by the Ontario Labour Relations Board. 1993, c. 38, s. 59 (7).

Grievance Settlement Board

60. (1) Section 51, as it read immediately before section 59 of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force, applies with respect to all matters referred for arbitration to the Grievance Settlement Board after June 14, 1993 and before the day on which that section came into force. 1995, c. 1, s. 59.

Same

(1.1) Section 51 applies with respect to all matters referred for arbitration to the Grievance Settlement Board on and after the day on which section 59 of the *Labour Relations and Employment Statute Law Amendment Act, 1995* comes into force. 1995, c. 1, s. 59.

Effect of reductions in size

(2) No reduction in the number of vice-chairs or members of the Grievance Settlement Board shall have any effect on a term of a vice-chair or a member if that term began before the repeal of the old Act. 1993, c. 38, s. 60 (2).

61. REPEALED: 1995, c. 1, s. 60.

Maintien du Tribunal

(2) Le Tribunal est maintenu afin de statuer sur les questions à l'égard desquelles une requête lui a été présentée avant l'abrogation de l'ancienne loi. 1993, chap. 38, par. 59 (2).

Dissolution du Tribunal

(3) Le Tribunal est dissous le jour où il statue sur la dernière des questions visées au paragraphe (2) ou à la date ultérieure que le lieutenant-gouverneur fixe par proclamation. 1993, chap. 38, par. 59 (3).

Application de l'ancienne loi

(4) Malgré l'abrogation de l'ancienne loi, les dispositions de celle-ci qui se rapportent au Tribunal continuent de s'appliquer à l'égard du Tribunal et des questions dont il est saisi jusqu'à ce qu'il soit dissous. 1993, chap. 38, par. 59 (4).

Réexamen

(5) Pendant qu'il est maintenu, le Tribunal peut réexaminer tout ce qui est visé à l'article 39 de l'ancienne loi et, après sa dissolution, la Commission des relations de travail de l'Ontario peut réexaminer tout ce qu'a fait le Tribunal. 1993, chap. 38, par. 59 (5).

(6) ABROGÉ : 1995, chap. 1, art. 58.

Actes du Tribunal

(7) Tout ce qu'a fait le Tribunal est réputé, après l'abrogation de l'ancienne loi, avoir été fait par la Commission des relations de travail de l'Ontario. 1993, chap. 38, par. 59 (7).

Commission de règlement des griefs

60. (1) L'article 51, tel qu'il existait immédiatement avant l'entrée en vigueur de l'article 59 de la *Loi de 1995 modifiant des lois en ce qui concerne les relations de travail et l'emploi*, s'applique à l'égard de toutes les questions soumises à l'arbitrage de la Commission de règlement des griefs après le 14 juin 1993, mais avant le jour de l'entrée en vigueur de cet article. 1995, chap. 1, art. 59.

Idem

(1.1) L'article 51 s'applique à l'égard de toutes les questions soumises à l'arbitrage de la Commission de règlement des griefs à compter du jour de l'entrée en vigueur de l'article 59 de la *Loi de 1995 modifiant des lois en ce qui concerne les relations de travail et l'emploi*. 1995, chap. 1, art. 59.

Réductions sans effet

(2) Nulle réduction du nombre de vice-présidents ou de membres de la Commission de règlement des griefs n'a d'effet sur le mandat d'un vice-président ou d'un membre si le mandat en question a débuté avant l'abrogation de l'ancienne loi. 1993, chap. 38, par. 60 (2).

61. ABROGÉ : 1995, chap. 1, art. 60.

Crown Employees Collective Bargaining Act

Loi sur la négociation collective des employés de la Couronne

REGULATION 258

Amended to O. Reg. 705/92

GENERAL

1. (1) For the purpose of subsection 1 (2) of the Act, the employer may be represented,

- (a) in the case of the Liquor Control Board of Ontario or the Liquor Licence Board of Ontario, by the Liquor Control Board of Ontario and the Liquor Licence Board of Ontario;
- (b) in the case of the Workers' Compensation Board, by the Workers' Compensation Board;
- (c) in the case of The Niagara Parks Commission, by The Niagara Parks Commission;
- (d) in the case of the Ontario Housing Corporation in respect of the employees employed in the work of the Ontario Housing Corporation within the classifications in the bargaining unit designated in section 10, by the Ontario Housing Corporation;
- (e) in the case of the Ontario Teachers' Pension Plan Board, the Ontario Teachers' Pension Plan Board;
- (f) in the case of the Metropolitan Toronto Convention Centre Corporation, the Metropolitan Toronto Convention Centre Corporation;
- (g) in the case of the Public Service Pension Board, the Public Service Pension Board; and
- (h) in the case of the Workers' Compensation Appeals Tribunal, by the Workers' Compensation Appeals Tribunal. R.R.O. 1990, Reg. 258, s. 1 (1); O. Reg. 201/91, s. 1; O. Reg. 705/92, s. 1.

(2) For the purpose of subsection 1 (2) of the Act, the employer may be represented in respect of their respective ambulance service employees by the following:

- 1. B. & D. Powell Management Ltd., carrying on business as Arnprior & Kanata Ambulance Services.
- 2. Alan R. Barker Ambulance Service.
- 3. Beaverton & District Ambulance Service Ltd.
- 4. Brant County Ambulance Service Limited.
- 5. City Ambulance Service of Quinte Limited.
- 6. Lakeshore Emergency Service Inc., carrying on business as Lakeshore Ambulance Service.
- 7. Danver Ambulance Service Inc., carrying on business as Flamborough District Ambulance.
- 8. The District of Halton & Mississauga Ambulance Service Ltd.
- 9. 501781 Ontario Limited, carrying on business as Fleetwood Ambulance.
- 10. 548652 Ontario Limited, carrying on business as Gananoque Provincial Ambulance Service.
- 10.1 Green's Ambulance Service Inc.
- 11. Lambton, Middlesex Ambulance Service Limited.
- 12. Lee Ambulance Service Limited.

- 13. McKechnie Ambulance Service Inc.
- 14. Owen Sound Emergency Services Inc.
- 15. 677700 Ontario Inc., carrying on business as Port Colbourne and District Ambulance Service.
- 16. 760472 Ontario Inc., carrying on business as Rockland/Orleans Ambulance Service.
- 17. Royal City Ambulance Service Ltd.
- 18. Superior Ambulance (1986) Limited.
- 19. Thames Valley Ambulance Limited.
- 20. 790711 Ontario Limited, carrying on business as Uxbridge Stouffville Ambulance Service.
- 21. Woodstock Ambulance Limited. R.R.O. 1990, Reg. 258, s. 1 (2); O. Reg. 708/91, s. 1.

2. The particulars required by clauses 47 (1) (a) to (f) of the Act and the certification required by the said subsection (1) shall be in Form 1. R.R.O. 1990, Reg. 258, s. 2.

3. The statement of income and expenditure required by sub-clause 47 (1) (f) (ii) of the Act shall be in Form 2. R.R.O. 1990, Reg. 258, s. 3.

4. The affidavit required by subsection 47 (2) of the Act shall be in Form 3. R.R.O. 1990, Reg. 258, s. 4.

5. (1) A statement of income and expenditure in Form 2 shall contain a statement of the net dues and assessments of the employee organization. R.R.O. 1990, Reg. 258, s. 5 (1).

(2) A statement of the net dues and assessments of an employee organization,

- (a) shall include amounts of money received or receivable from members of the employee organization on account of initiation fees, per capita dues, assessments or fines; and
- (b) shall not include an amount received or receivable from a member of the employee organization for transmission as the contribution of the member to a pension or welfare plan that is not administered by the employee organization. R.R.O. 1990, Reg. 258, s. 5 (2).

(3) In this section,

"members of the employee organization" includes a person who pays dues to the employee organization or amounts of money in lieu of such dues whether or not such person is a member of the employee organization or of any local or branch thereof. R.R.O. 1990, Reg. 258, s. 5 (3).

6. (1) The persons who are employed in the work of the Liquor Control Board of Ontario or of the Liquor Licence Board of Ontario in the classifications in Schedule 1, other than those persons who are employed on a seasonal, casual or part-time basis, are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes under the Act. R.R.O. 1990, Reg. 258, s. 6 (1).

(2) The Ontario Liquor Boards Employees' Union is designated as the employee organization that shall have representation rights in relation to the bargaining unit referred to in subsection (1). R.R.O. 1990, Reg. 258, s. 6 (2).

7. (1) All persons who are employed in the work of The Niagara Parks Commission other than,

- (a) foremen;
- (b) supervisors;
- (c) persons above the rank of foreman or supervisor;
- (d) persons performing duties involving the use or knowledge of confidential information relating to employee relations or budgets;
- (e) persons employed in the work of The Niagara Parks Commission Police Department;
- (f) persons whose working hours do not normally exceed twenty-four hours per week; and
- (g) persons who are employed on a seasonal basis,

are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes under the Act. R.R.O. 1990, Reg. 258, s. 7 (1).

(2) The Ontario Public Service Employees' Union is designated as the employee organization that shall have representation rights in relation to the bargaining unit referred to in subsection (1). R.R.O. 1990, Reg. 258, s. 7 (2).

8. All persons employed in the work of The Niagara Parks Commission in The Niagara Parks Commission Police Department, other than staff sergeants, sergeants and persons who are employed on a seasonal basis, are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes, and The Ontario Public Service Employees' Union is designated as the employee organization that shall have representation rights in relation to such bargaining unit. R.R.O. 1990, Reg. 258, s. 8.

9. All persons employed in the work of Ontario Housing Corporation within The Municipality of Metropolitan Toronto other than,

- (a) foremen;
- (b) office staff;
- (c) persons appointed under the *Public Service Act*; and
- (d) persons in the temporary service class who are not members of Local 767 of the Canadian Union of Public Employees by reason of their membership in another organization,

are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes, and Local 767 of the Canadian Union of Public Employees is designated as the employee organization that shall have representation rights in relation to such bargaining unit. R.R.O. 1990, Reg. 258, s. 9.

10. All public servants other than,

- (a) the persons who are not employees, the definition of which is set out within subsection 1 (1) of the Act; and
- (b) the persons in the classifications or positions set out in Column 2 of Schedule 2,

are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes under the Act, and The

Ontario Public Service Employees' Union is designated as the employee organization that shall have representation rights in relation to such bargaining unit. R.R.O. 1990, Reg. 258, s. 10.

11. Forms 4 to 40 are prescribed for use as provided in the rules made by the Tribunal under subsection 43 (1) of the Act. R.R.O. 1990, Reg. 258, s. 11.

12. A copy of a decision of the Grievance Settlement Board for filing in the Ontario Court (General Division) under subsection 19 (6) of the Act shall be in Form 41. R.R.O. 1990, Reg. 258, s. 12.

13. A statement of the suspension of the autonomy of an employee organization under section 46 of the Act shall be in Form 42. R.R.O. 1990, Reg. 258, s. 13.

14. An affidavit of service of a summons to a witness shall be in Form 43. R.R.O. 1990, Reg. 258, s. 14.

Schedule 1

Clerk Grade 1
 Clerk Grade 2
 Clerk Grade 3
 Clerk Grade 4
 Clerk Grade 5
 Comptometer Operator
 Drafter
 Electric Computer Operator 1
 Electric Computer Operator 2
 Junior Management Services Officer
 Key Punch Operator 1
 Key Punch Operator 2
 Key Punch Operator 3
 Laboratory Technician 1
 Laboratory Technician 2
 Laboratory Technician 3
 Licence Inspector 1
 Licence Inspector 2
 Liquor Store Clerk 2
 Liquor Store Clerk 3
 Liquor Store Clerk 4
 Liquor Store Manager 1
 Liquor Store Manager 2
 Liquor Store Manager 3
 Senior Wine Consultant
 Stationary Engineer
 Stenographer Grade 1
 Stenographer Grade 2
 Stenographer Grade 3
 Typist Grade 1
 Typist Grade 2
 Typist Grade 3
 Warehouse Foreman 1
 Warehouse Foreman 2
 Warehouse 2
 Warehouse 3
 Warehouse 4
 Wine Consultant
 Wine Consultant Trainee

R.R.O. 1990, Reg. 258, Sched. 1.

Schedule 2

COLUMN 1	COLUMN 2
SOCIAL SERVICES Training	Apprenticeship Counsellor 2 Apprenticeship Counsellor 3 Community Development Supervisor Development Officer 3, Industrial Training Director of Citizenship Director, Human Rights Commission Director of Industrial Training

COLUMN 1	COLUMN 2
	Director, Women's Bureau Director, Youth and Recreation Branch Human Rights Commission Supervisor 1 Human Rights Commission Supervisor 2 Standards Officer 3, Industrial Training Executive Director, Community Services Division
Library	Librarian 4 Librarian 5
Historical	Archivist 4 Archivist of Ontario Historical Research officer 3
Social Work	Assistant Director of Probation Services Chair, Parole Board Chaplain 3 Child Care Worker 4 Child Care Worker 5 Child Care Worker 6 Child Welfare Supervisor 2 Counsellor 4 (Residential Life) Counsellor 5 (Residential Life) Director of Chaplain Services, Ministry of Correctional Services Director, Child Welfare Branch Director, Day Nurseries Branch Director, Field Services, Ministry of Community and Social Services Director of Probation Services Director of Rehabilitation Services Director, Ministry of Community and Social Services Director of Training and Staff Development, Ministry of Community and Social Services Field Worker 3, Homes for Special Care Hospital Activity Services Director 1 Hospital Activity Services Director 2 Hospital Activity Services Director 3 Instructor 4 (Occupational) Member, Parole Board Observation & Detention Home Supervisor 1 Observation & Detention Home Supervisor 2 Observation & Detention Home Supervisor 3 Probation Officer 4 Probation Staff Development Officer Regional Welfare Administrator 1 Regional Welfare Administrator 2 Regional Welfare Administrator 3 Regional Welfare Administrator 4 Rehabilitation Adviser, Ministry of Health Rehabilitation Officer 3, Ministry of Correctional Services Rehabilitation Officer 4, Ministry of Correctional Services Rehabilitation Officer 5 (a), Ministry of Correctional Services Rehabilitation Officer 5 (b), Ministry of Correctional Services Rehabilitation Officer 6, Ministry of Correctional Services Rehabilitation Officer 3, Ministry of Health Staff Training Officer, Ministry of Community and Social Services Social Work Supervisor 1 Social Work Supervisor 2 Social Work Supervisor 3 Social Work Supervisor 4 Unit Program Director Vice-Chair, Parole Board Welfare Field Supervisor Welfare Institutions Supervisor
Psychological	Adviser in Psychology Adviser, Speech Pathology Audiological Supervisor Director of Psychology, Ministry of Correctional Services Director of Research, Ministry of Correctional Services Psychologist 2 Psychologist 3
Nursing	Adviser in Nursing Nurse 4, General

COLUMN 1	COLUMN 2
	Nurse 5, General Nurse 6, General Nurse 7, General Nurse 3, Nursing Education Nurse 4, Nursing Education Nurse 5, Nursing Education Nurse 4, Public Health
Occupational and Physical Therapy	Adviser, Occupational and Physical Therapy Occupational Therapist 4 Occupational Therapist 5
Planning and Development	Community Planner 5 Community Planner 6 Deputy Managing Director, Ontario Development Corporation Director, Indian Community Development Services Branch Industrial Development Officer 4 Industrial Development Officer 5 Industrial Development Officer 6 Technical Consultant Supervisor
OPERATIONAL SERVICES	
Heating and Power	Steam Plant Chief 1 Steam Plant Chief 2 Steam Plant Chief 3 Steam Plant Chief 4 Steam Plant Chief 5 Steam Plant Chief 6 General Superintendent of Mechanical Services Supervisor of Mechanical Services
Printing	Legislative Assistant Editor Legislative Editor Printing Contracts Supervisor
Aircraft Maintenance	Assistant Plant Superintendent, Air Service Plant Superintendent, Air Service
General Skilled Trades	Assistant Supervisor of Electrical Devices Chief Instrument Repairer Construction Superintendent 1 Construction Superintendent 2 Construction Superintendent 3 Construction Superintendent 4 Maintenance Superintendent 2 Maintenance Superintendent 3 Maintenance Superintendent 4 Maintenance Superintendent 5 Preparator 2 Preparator 3 Preparator 4 Services Supervisor 1 Services Supervisor 2 Services Supervisor 3 Sign Painter Supervisor Supervisor of Electrical Crews Supervisor of Electrical Devices Supervisor of Electrical Services Telephone Services Supervisor 1 Telephone Services Supervisor 2
Construction and Installation Inspection	Adviser, Air Pollution Inspection Boiler Inspector Supervisor 2 Chief Officer, Operating Engineers Branch Construction Inspector Elevator Inspector 2 Elevator Inspector 3 Elevator Inspector 4 Industrial Safety Officer 1 Industrial Safety Officer 2 Inspector 3, Air Pollution Registration and Operations Officer, Operating Engineers Branch Technician 4, Fuel

COLUMN 1	COLUMN 2
Vehicle Maintenance	Technician 5, Fuel Technician 6, Fuel Assistant Garage Superintendent, Parliament Buildings Garage Superintendent, Parliament Buildings Highway Equipment Instructor 3 Highway Equipment Instructor 4 Highway Equipment Supervisor 1 Highway Equipment Supervisor 2 Highway Equipment Supervisor 3 Highway Mechanic Foreman Inspector 3, Vehicle Inspection Inspector 4, Vehicle Inspection
Vehicle Operation	Driver Attendant, Minister Driver Attendant, Prime Minister Driver Supervisor Traffic Patrol Supervisor, Ministry of Transportation
Mine Rescue Training	Mine Rescue Training Officer 3
Highway and Canal Maintenance	Highway Equipment Instructor 1 Highway Equipment Instructor 2 Highway General Foreman 2 Highway Maintenance Supervisor Highway Patrolperson Highway Patrol Supervisor Highway Services Supervisor Inspector of Weighers and Checkers 1 Inspector of Weighers and Checkers 2 Maintenance Foreman Toll Bridge Vehicle and Construction Equipment Supervisor Water Level Control Supervisor Zone Painting Supervisor
Ferry Operations	Ferry Captain Senior Ferry Captain 1 Senior Ferry Captain 2
Forestry and Biology	Chief Arboriculturist Resource Technician, Senior 1 Resource Technician, Senior 2 Resource Technician, Senior 3 Resource Technician, Senior 4
Agricultural Services	Agricultural Worker 4 Agricultural Worker 5 Agricultural Worker 6 Dairy Herd Improvement Officer 2 Farm Products Inspector 3 Horticulturist Manager 2, Farms and Gardens Meat Inspector 2
Cleaning and Caretaking	Buildings Caretaker 3 Buildings Caretaker 4 Buildings Caretaker 5 Buildings Caretaker 6 Buildings Caretaker 7 Buildings Cleaner and Helper 3 Buildings Cleaner and Helper 4 Buildings Superintendent Hospital Housekeeper 1 Hospital Housekeeper 2
Correctional	Chief Provincial Bailiff Correctional Officer 4 Correctional Officer 5 Correctional Officer 6 Correctional Officer 7 Industrial Officer 4 Industrial Officer 5 Industries Technician Staff Training Officer, Ministry of Correctional Services Supervisor of Juveniles 4 Supervisor of Juveniles 5

COLUMN 1	COLUMN 2
Institutional Care	Supervisor of Juveniles 6 Athletics Supervisor and Dean of Men Attendant 5, Oak Ridge Attendant 6, Oak Ridge Attendant 7, Oak Ridge Instructor 3 (a), Recreation and Crafts Instructor 3 (b), Recreation and Crafts Instructor 4, Recreation and Crafts Recreation Officer 3, Ministry of Correctional Services Recreation Officer 4, Ministry of Correctional Services Security Supervisor
Personal Services	Cook 3 Cook 4 Cook 5 Cook 6 Laundry Manager 1 Laundry Manager 2 Laundry Manager 3 Laundry Manager 4 Supervisor 1, Food Service Supervisor 2, Food Service Tailor Supervisor, Ontario Provincial Police
Supply	Area Supply Supervisor Central Stores Supervisor Clerk 7, Supply Clerk 8, Supply Materials Control Supervisor
Radio Operations	
General Operational	Artisan 4 Millman 3
ADMINISTRATIVE SERVICES	
Legal	Master, Supreme Court of Ontario Registrar, Office of the Mining Commissioner Senior Master, Supreme Court of Ontario Vice-Chair 1, Ontario Labour Relations Board Vice-Chair 2, Ontario Labour Relations Board
Financial	Accounting Supervisor 1 Accounting Supervisor 2 Accounting Supervisor 3 Accounting Supervisor 4 Actuary 1 Actuary 2 Actuary 3 Financial Officer 1 Financial Officer 2 Financial Officer 3 Financial Officer 4 Financial Officer 5 Financial Officer 6 Financial Officer 7 Financial Officer 8 Financial Officer 9 Financial Officer, Trainee
Municipal Services	Assessment Supervisor 1 Assessment Supervisor 2 Assessment Supervisor 3 Assessment Supervisor 4 Supervisor 3, Municipal Organization & Administration
Property	Accommodation Officer 3 Accommodation Officer 4 Property Administrator 2 Real Estate Officer 1 Real Estate Officer 2 Real Estate Officer 3 Real Estate Officer 4

COLUMN 1	COLUMN 2
Purchasing	Real Estate Officer 5 Real Estate Officer 6 Realty Appraiser 3 Chief Purchasing Officer Purchasing Officer 3 Senior Purchasing Officer Superintendent of Supply
Personnel	Employee Counsellor Personnel Administrator 1 Personnel Administrator 2 Personnel Administrator 3 Personnel Administrator 4 Personnel Administrator 5 Personnel Administrator 6 Personnel Trainee Staff Relations Officer
Public Relations	Director of Immigration Director, Information Branch Editor, Technical Publications Immigration Officer, Senior Press Relations Supervisor Public Health Educator Tourist Industry Officer 4
Management Services	Assistant Manager 1, Electronic Data Processing Manager 1, Electronic Data Processing Management Services Officer 3 Management Services Officer 4 Management Services Officer 5 Management Services Officer 6 Management Services Officer 7 Management Services Officer 8 Management Services Officer 9
Labour Relations	Conciliation Officer 1 Conciliation Officer 2 Conciliation Officer 3 Conciliation Officer 4 Examiner 1, Ontario Labour Relations Board Examiner 2, Ontario Labour Relations Board Field Officer, Ontario Labour Relations Board
Institutional	Assistant Administrator, Jails Branch Assistant Superintendent, Ministry of Correctional Services Deputy Superintendent 1, Ministry of Correctional Services Deputy Superintendent 2, Ministry of Correctional Services Deputy Superintendent, Jails Executive Trainee, Ministry of Correctional Services Inspector, Ministry of Correctional Services Jail Superintendent 1 Jail Superintendent 2 Jail Superintendent 3 Jail Superintendent 4 Jail Superintendent 5 Jail Superintendent 6 Reformatory Superintendent 1 Reformatory Superintendent 2 Reformatory Superintendent 3 Training School Superintendent 1 Training School Superintendent 2
General Administration	Administrative Officer Assistant Clerk of the Legislative Assembly Assistant Registrar, Ministry of Education Clerk of the Executive Council Clerk 6, General Clerk 7, General Deputy Director Registration (O.S.C.) Director 1, Administrative Services Director 2, Administrative Services Director 3, Administrative Services

COLUMN 1	COLUMN 2
	Director of Claims, M.S.I.D. Director of Municipal Pensions Editor 1 (Hansard) Editor 2 (Hansard) Executive Officer 1 Executive Officer 2 Executive Officer 3 Member, Ontario Highway Transport Board Northern Affairs Officer 1 Northern Affairs Officer 2 Northern Affairs Officer 3 Program Analysis Co-ordinator 1 Program Analysis Co-ordinator 2 Program Analysis Co-ordinator 3 Program Analyst 1 Program Analyst 2 Program Analyst 3 Records Officer 1 Records Officer 2 Records Officer 3 Regional Co-ordinator 1, O.H.I.C. Regional Co-ordinator 2, O.H.I.C. Regional Services Manager 1 Regional Services Manager 2 Registrar of Collection Agencies Registrar, Ontario Labour Relations Board Registrar of Private Investigators and Security Guards Superintendent, Public Housing Supervisor of Operations Treasury Board Officer 1 Treasury Board Officer 2 Treasury Board Officer 3 Treasury Board Officer 4 Treasury Board Officer 5
Institutional Administration	Assistant Hospital Business Administrator 1 Assistant Hospital Business Administrator 2 Assistant Hospital Business Administrator 3 Bursar 2 Bursar 3 Bursar 4 Bursar 5 Director, Hospital Management Services Hospital Administrator 1 Hospital Administrator 2 Hospital Business Administrator 1 Hospital Business Administrator 2 Hospital Business Administrator 3
Labour Standards	Employment Standards Officer 1 Employment Standards Officer 2 Employment Standards Officer 3
Land and Mining Registration	Chief Mining Recorder Mining Recorder
Buildings Management	Manager 1, Buildings Management Manager 2, Buildings Management Manager 3, Buildings Management Manager 4, Buildings Management Manager 5, Buildings Management Manager 6, Buildings Management
Education	Adviser, Elementary School Correspondence Courses Assistant Superintendent, O.S.B., O.S.D. Education Officer 4 Education Officer 5 Education Officer 6 Education Officer 7 Principal 1, Ontario School for the Retarded Principal 2, Ontario School for the Retarded Principal 3, Ontario School for the Retarded Principal 1, Teachers' College Principal 2, Teachers' College

COLUMN 1	COLUMN 2
Economics and Statistics	Vice-Principal, Teachers' College Vocational Training Supervisor 2 Economist 1 Economist 2 Economist 3 Economist 4 Economist 5 Economist 6 Economist 7 Statistician 4
	Senior Administrators Executive Officer 1, Office of the Premier Executive Officer 2, Office of the Premier Executive Officer 3, Office of the Premier Supervisor of Racing Vice-Chair, Ontario Energy Board Vice-Chair, Ontario Highway Transport Board
	Program Executives Program Executive 1 Program Executive 2 Program Executive 3 Program Executive 4 Program Executive 5
SCIENTIFIC AND TECHNICAL SERVICES Architecture and Interior Design Architecture Interior Design Engineering	Architectural Job Captain 3 Architectural Officer 1 Architectural Officer 2 Chief of Contracts Specification Editor 3 Exhibition Designer 3 Exhibition Designer 4 Exhibition Designer 5 Interior Design Supervisor Access Roads Manager Access Roads Superintendent Chief Inspector (Drilling and Production) Claims Engineer Engineer of Mines 1 Engineer of Mines 2 Engineer of Mines 3 Engineering Officer 2 Engineering Officer 3 Engineering Officer 4 Engineering Officer 5 Estimator 3, Engineering Audit Executive Engineer Highway District Engineer 1 Highway District Engineer 2 Superintendent of Engineering Audits Superintendent of Equipment Technician 1, Construction Technician 2, Construction Technician 3, Construction Technician 4, Construction Technician 1, Engineering Audit Technician 2, Engineering Audit Technician 3, Engineering Audit Technician 4, Engineering Audit Technician 5, Engineering Audit Technician 2, Engineering Office Technician 3, Engineering Office Technician 4, Engineering Office Technician 1, Engineering Survey Technician 2, Engineering Survey Technician 3, Engineering Survey Technician 4, Engineering Survey Technician 4, Road Design

COLUMN 1	COLUMN 2
Geological	Assistant Director, Geological Branch Geologist 1 Geologist 2 Geologist Assistant 4 Senior Geologist
Land Surveying	Chief Inspector of Surveys Director of Legal Surveys Inspector of Surveys 1 Inspector of Surveys 2 Inspector of Surveys 3 Legal Survey Examiner 4 Surveyor 1 Surveyor 2 Technician 1, Legal Survey Technician 2, Legal Survey Technician 3, Legal Survey
Drafting and Design	Bridge Materials Officer 3 Commercial Artist 3 Drafter 3 Senior Drafter
Photogrammetry and Stereoplotting	Cartographer 5 Cartographer 6 Cartographer 7 Photogrammetrist 4 Photogrammetrist 5
Agricultural	Agricultural Officer 2 Agricultural Officer 3 Agricultural Officer 4 Agricultural Representative Agricultural Specialist 3, Dairy Lecturer 4 (a), Agricultural School Lecturer 4 (b), Agricultural School Supervising Farm Products Inspector
Conservation	Biologist 3 District Administrator 1, Ministry of Natural Resources District Administrator 2, Ministry of Natural Resources Forester 3 Forester 4 Forester 5 Instructor 3, Ontario Forest Ranger School Parks Planner 2 Parks Planner 3 Recreational Land Use Planner Resources Manager 3 Resources Manager 4 Section Supervisor 1, Ministry of Natural Resources Section Supervisor 2, Ministry of Natural Resources Senior Biologist
Aircraft Operation	Check Pilot
Dental	Adviser 1, Public Health Dentistry Adviser 2, Public Health Dentistry
Medical	Branch Director, Mental Health Chair, Medical Advisory Board Director of Coroners Medical Officer 1, Ministry of Correctional Services Medical Officer 2, Ministry of Correctional Services Medical Officer 3, Ministry of Correctional Services
Pharmaceutical	Cataloguer, Drugs and Biologicals Co-ordinator 1, Drug Pricing Co-ordinator 2, Drug Pricing
Veterinary	Veterinary Scientist 3 Veterinary Scientist 4 Veterinary Scientist 5 Veterinary Scientist 6

COLUMN 1	COLUMN 2
Health Inspection and Investigation	Chief Industrial Health Counsellor Pesticides Control Officer 3 Public Health Inspector 5
Home Economics and Nutrition	Dietitian 1 Dietitian 2 (a) Dietitian 2 (b) Dietitian 3 Food Services Administrator Home Economist Supervisor 1 Home Economist Supervisor 2 Nutritionist 2
Medical Equipment and Operation Research	Technician, X-Ray Supervisor Chief Research Scientist, Ministry of Agriculture and Food Research Officer 3, Ministry of Transportation Research Officer 4, Ministry of Transportation Research Officer 5, Ministry of Transportation Research Scientist 4, Ministry of Agriculture and Food Research Scientist 3, Ministry of Natural Resources Research Scientist 4, Ministry of Natural Resources Research Scientist 5, Ministry of Natural Resources Research Supervisor 1, Ministry of Natural Resources Research Supervisor 2, Ministry of Natural Resources
Testing and Analysis	Administrator 1, Laboratory Services Administrator 2, Laboratory Services Firearms Examiner 3 Laboratory Director, Class "A" Laboratory Laboratory Director, Class "B" Laboratory Laboratory Director, Class "C" Laboratory Manager, Timiskaming Testing Laboratory Meteorologist Scientist 5 Senior Radiation Protection Physicist Technician 5, Chemical Laboratory Technician 5, Physical Laboratory Technician 5, Medical Laboratory
Photographic	Manager, Photographic Reproduction Unit Photographer 3, Laboratory Publicity Photographer 3 Technician 7, Photographic
Communications	Communications Supervisor Communications Technician 3 Highways Communications Supervisor Electronics Supervisor 1, Ministry of Government Services Electronics Supervisor 2, Ministry of Government Services
Traffic Analysis	Traffic Analyst 4 Traffic Analyst 5 Traffic Analyst 6 Technician 4, Traffic Technician 5, Traffic
GENERAL SERVICES Transportation Inspection	Driver Examiner 3 Driver Examiner 4 Driver Examiner 5 Inspector 3, Ministry of Transportation Inspector of Signs and Buildings Permits 4 Highway Carrier, Supervising Inspector 2 Review Supervisor 1 Review Supervisor 2 Service Areas Manager
Entertainment Inspection	Assistant Director, Theatres Branch Director, Theatres Branch
Investigative	Chief Investigator, Ontario Securities Commission Fires Services Investigator 3 Investigator 2, Agricultural Products

COLUMN 1	COLUMN 2
Fire Services	Deputy Fire Marshal Director of Ontario Fire College Fire Chief Fire Marshal Fire Services Adviser 3
Court Reporting	Chief Supreme Court Reporter Court Reporter 3 Court Reporter 4 Supreme Court Reporter 2
General Administrative Services General	Administrative Assistant 1, Office of the Premier Administrative Assistant 2, Office of the Premier Administrative Assistant 3, Office of the Premier Clerk 5, Filing Coroner's Clerk 2 Deputy Senior 1, Administration of Justice Deputy Senior 2, Administration of Justice Deputy Senior 3, Administration of Justice Supervisor 1, Medical Records Supervisor 2, Medical Records Supervisor 3, Medical Records Supervisor 4, Medical Records Travel Counsellor 3 Travel Counsellor 4 Travel Counsellor 5
Savings Office	Director, Savings Office Branch Inspector 3, Savings Office Manager 1, Savings Office Manager 2, Savings Office Manager 3, Savings Office Manager 4, Savings Office Supervisor of Branch Operations, Savings Office
Postal Service	Manager, Central Mail Service Postmaster, House of Assembly Post Office
Attendant and Messenger	Supervisor, Mail Unit
Telephone Services	Operator 3, Central Switchboard
Typing, Stenographic and Secretarial	Senior Secretary 1 Senior Secretary 2 Senior Secretary 3 Senior Secretary 4 Senior Secretary 5 Transcriber 1 (Hansard) Transcriber 2 (Hansard) Transcriber Co-ordinator (Hansard)
Printing and Office Equipment	Manager, Central Duplicating Service Manager, Offset Printing Unit Operator 3, Bindery Equipment Operator 4, Microfilm Operator 5, Microfilm Operator 6, Microfilm Operator 4, Offset Equipment Operator 5, Offset Equipment Operator 4, Whiteprint Equipment
Data Processing	Computer Technician 3 Operator 3, Electronic Computer Operator 5, Key Punch Equipment Operator 6, Key Punch Equipment Operator 5, Tabulating Equipment Operator 6, Tabulating Equipment Operator 7, Tabulating Equipment Production Supervisor Supervisor, Data Processing, Civil Service Commission Supervisor, Data Processing, Registrar-General, Ministry of Consumer and Commercial Relations
Toll Collection Services	Toll Supervisor

COLUMN 1	COLUMN 2
Fingerprint Examiners	Fingerprint Examiner 4 Fingerprint Examiner 5
LAW ENFORCEMENT	Adviser, Ontario Police Commission Assistant Commissioner, Ontario Provincial Police Chief Instructor, Ontario Police College Commissioned Officer 1, Ontario Provincial Police Commissioned Officer 2, Ontario Provincial Police Commissioned Officer 3, Ontario Provincial Police Commissioned Officer 4, Ontario Provincial Police Commissioned Officer 5, Ontario Provincial Police Deputy Director, Ontario Police College Director, Ontario Police College Intelligence Officer, Ontario Police Commission Sergeant Major, Ontario Provincial Police
OTHER TYPING, STENOGRAPHIC AND SECRETARIAL	Secretaries to Assistant Deputy Ministers
MINISTRY OF COLLEGES AND UNIVERSITIES	Secretary to the Director, Applied Arts and Technology Branch Director General, Ontario Science Centre Secretary to Director General, Ontario Science Centre Executive Assistant to Director General, Ontario Science Centre Secretary to Executive Assistant to Director General, Ontario Science Centre
MINISTRY OF CORRECTIONAL SERVICES	Assistant Secretary to the Minister Secretary to Branch Administrator 1, Correctional Services Secretary to Branch Administrator 2, Correctional Services Secretary to Chief Accountant, Administrative and Financial Services Division Secretary to Chief Inspector Secretary to Director of After-Care Services Secretary to Director of Information Branch Secretary to Executive Assistant, Office of Deputy Minister Secretary to Executive Director, Administrative and Financial Services Division Secretary to Executive Director, Professional Services Division Secretaries to Superintendents, Institutions Secretaries to Superintendents, Training Schools Administrative Assistant to the Superintendent (Guelph) Secretarial Assistant (Treatment) (Guelph)
MINISTRY OF EDUCATION	Secretary to the Executive Assistant, Deputy Minister's Office Secretary to the Executive Assistant to the Minister Secretary to the Superintendent, Ontario School for the Blind Secretary to the Superintendent, Ontario School for the Deaf Secretary to the Director, School Business and Finance Branch Secretary to the Director, Provincial Schools Branch Secretary to the Director, Planning and Research Branch Secretary to the Director, Legislation Branch Secretary to the Director, Public Information Branch Assistant Secretary to the Deputy Minister Secretary to Chair, Council on French Language Schools Chief Educational Officer, (Correspondence Courses)
MINISTRY OF THE ENVIRONMENT	Assistant Secretary to the Minister Secretary to the Executive Assistant to the Minister Secretary to Director, Legal Services Branch Secretary to Director, Strategic Planning Branch Secretary to Director, Information Services Branch Secretary to Director, Financial Services Branch Secretary to Director, Administrative Services Branch Secretary to Director, Water Quantity Branch Secretary to Director, Water Quality Branch Secretary to Director, Sanitary Engineering Branch Secretary to Director, Industrial Waste Branch Secretary to Director, Private Sewage Disposal Branch Secretary to Director, Project Development Branch Secretary to Director, Project Construction Branch Secretary to Director, Plant Operations Branch Secretary to Director, Air Quality Branch Secretary to Director, Waste Management Branch Secretary to Director, Laboratory Branch Secretary to Director, Research Branch

COLUMN 1	COLUMN 2
MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS	Secretary to Chair of Ontario Securities Commission Secretary to Director, Administrative Services Branch Secretary to Director, Insurance Branch Secretary to Director, Ontario Securities Commission Secretary to Superintendent of Insurance
MINISTRY OF HEALTH	Secretary to the Medical Director and Associate Medical Director Secretary to Branch Director, Mental Health Division Secretary to Assistant Hospital Administrators Secretary to Chief Epidemiology Service Secretary to Chief Public Health Veterinary Service Secretary to Chief Employee Health Service Secretary to Chief Maternal and Child Health Service Secretary to Chief Medical Rehabilitation and Chronic Care Service Secretary to Chief Occupational Health Service Secretary to Chief Tuberculosis Prevention Service Secretary to Director Administrative Services Branch Secretary to Director Claims Service (O.H.I.C.) Secretary to Director Environmental Health Services Branch Secretary to Director Financial Services Branch Secretary to Director Hospital Management Services Branch Secretary to Director Communications Branch Secretary to Director Laboratories Services Branch Secretary to Director Legal Branch Secretary to Director Local Health Services Branch Secretary to Director Medical Services Branch Secretary to Director Professional Services Branch Secretary to Director Special Projects Branch Secretary to Director Special Health Services Branch Secretary to Executive Assistant Environmental Health Services Branch Secretary to Executive Assistant Local Health Services Branch Secretary to Executive Assistant Mental Health Division Secretary to Executive Assistant Mental Hospitals Branch Secretary to Executive Assistant Mental Retardation Branch Secretary to Executive Assistant Public Health Division Secretary to Executive Assistant Special Health Services Branch Secretary to Hospital Administrators Secretary to Hospital Superintendents
MINISTRY OF THE ATTORNEY GENERAL	Audit Secretary Secretary to the Director Probation Services Secretary to the Executive Director Secretary, Office of the Minister
MINISTRY OF LABOUR	Secretary to the Director, Safety and Technical Services Secretary to the Executive Assistant to the Deputy Minister Secretary to the Executive Assistant to the Minister
MINISTRY OF REVENUE	Secretary to Comptroller of Revenue General Clerk, Regional Assessment Office Secretary to the Regional Assessment Commissioner Secretary to the Deputy Managing Director, Development Branch, Ontario Housing Corporation Secretary to the Deputy Managing Director, Property Management Branch, Ontario Housing Corporation Secretary to the Vice-Chair and Managing Director, Ontario Housing Corporation
MINISTRY OF TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS	Secretary to Comptroller of Accounts Secretary to Comptroller of Finances Secretary to the Director, Taxation and Fiscal Policy Branch Secretary to the Executive Assistant, Finance and Economics Secretary to the Executive Director, Economics and Statistical Services Division Secretary to the Executive Director, Policy Planning Division
MINISTRY OF THE SOLICITOR GENERAL	Assistant Secretary, Deputy Minister's Office Assistant Secretary, Minister's Office Secretary to Executive Assistant to the Minister Secretary to Chair, Ontario Police Commission
ONTARIO PROVINCIAL POLICE (Civilian Staff)	Secretary to Assistant Commissioner

COLUMN 1	COLUMN 2
MINISTRY OF GOVERNMENT SERVICES	Secretary to Commissioner Secretary to Deputy Commissioner Assistant Secretary to the Minister Secretary to the Executive Director, Administrative and Finance Division Secretary to the Executive Director of Operations Secretary to the Executive Director, Supply Division
MINISTRY OF COMMUNITY AND SOCIAL SERVICES	Assistant Secretary, Minister's Office Administrative Secretary, Minister's Office Assistant Secretary to the Deputy Minister Secretary to the Assistant to the Deputy Minister Secretary to Senior Executive Officer
MINISTRY OF INDUSTRY AND TOURISM	Secretary to Chair, Ontario Economic Council Secretary to Executive Director, Business Development Division Secretary to Executive Director, Administrative Services Division Secretary to Executive Director, Communications Division Secretary to Executive Co-ordinator, Research Services Division Secretary to Executive Director, Special Projects Branch Secretary to Executive Co-ordinator, Field Services Division — Ontario Secretary to Executive Co-ordinator, Field Services Division — International Secretary to General Manager, Ontario Place Secretary to Director, Office of Standards, Designs and Innovations Secretary to the General Manager, St. Lawrence Parks Commission
ONTARIO DEVELOPMENT CORPORATION	Managing Director Secretary to the Managing Director Deputy Managing Director Secretary to the Deputy Managing Director
MINISTRY OF TRANSPORTATION	Secretary to Bridge Engineer Secretary to Claims Engineer Secretary to District Engineer Secretary to Estimating Engineer Secretary to Manager, Special Services Secretary to Superintendent Engineering Surveys Secretary to Superintendent of Surveys Secretary to Regional Director Secretary to Material Testing Engineer Secretary to Director, Legal Branch Secretary to Financial Comptroller Secretary to Executive Director, Research Division Secretary to Director Services Secretary to Director Municipal Branch Secretary to Director Driver Branch Secretary to Director Vehicle Branch Secretary to Deputy Registrar, Motor Vehicles Secretary to Director Construction Branch Secretary to Director Maintenance Branch Secretary to Director System Design Branch Secretary to Director Design Services Branch Secretary to Director Economics Branch Secretary to Director Communications Branch Secretary to Director Engineering Research Branch Secretary to Director Systems Research Branch Secretary to Director Systems Planning Branch Secretary to Director Environmental Planning Branch Secretary to Director of Right of Way and Superintendent of Properties Secretary to Director Transportation Operations Branch Secretary to Director Audit and Management Systems Branch Secretary to Registrar, Motor Vehicles
OFFICE OF THE PREMIER	Secretary, Appointments and Inquiry Clerk, Records and Filing
MANAGEMENT BOARD OF CABINET	Secretary to Executive Director, Management Services Division Secretary to Executive Director, Program and Estimates Division Secretary to Secretary of the Management Board

Form 1

*Crown Employees Collective Bargaining Act*STATEMENT TO THE ONTARIO PUBLIC SERVICE
LABOUR RELATIONS TRIBUNAL UNDER SECTION 47 OF THE ACT

To: The Ontario Public Service Labour Relations Tribunal

The employee organization referred to below submits to the Tribunal the following statement pursuant to the requirements of section 47 of the Act.

1. The name of the employee organization is
2. The address of the headquarters of the employee organization in Ontario to which communications for the purposes of the Act may be directed is
(street and number or rural route number and if
multi-office building give room number)
.....
(name of municipality or post office)

3. A copy of the constitution and of the by-laws of the employee organization are included with and form part of this statement.
4. The name and address of each officer of the employee organization and the position held by each such officer is as set out in Schedule A attached to and forming part of this statement.
5. The name and address of each officer of the employee organization resident in Canada (other than a person performing primarily clerical or stenographic duties), the position held by the officer and the date and manner of his or her election or appointment are as set out in Schedule B attached to and forming part of this statement.
6. The name and address of each employee of the employee organization resident in Canada (other than a person performing primarily clerical or stenographic duties), the position held by the employee and the date and manner of his or her election or appointment are as set out in Schedule C attached to and forming part of this statement.
7. A financial statement as required by clause 47 (1) (f) of the Act, consisting of a balance sheet and a statement of income and expenditure in Form 2, is included with and forms part of this statement.
8. The financial statement referred to in paragraph 7 is:
 - (a) a financial statement for the latest complete fiscal year of the employee organization ending on month day; or
..... year
 - (b) a financial statement for the period from month day year to month day if the employee organization has not been in existence for a complete fiscal year.

CERTIFICATE

Dated at, this day of, 19

We,, president of the employee organization herein,
(name of president of employee organization)and, treasurer of the employee organization herein,
(name of treasurer of employee organization)

severally certify that the information contained in this statement is true and accurate.

.....
(president of the employee organization).....
(treasurer of the employee organization)

Dated at, this day of, 19

Schedule A

1. Name of officer in full, including all given names.	2. Residence address, giving street and number or rural route number and municipality or post office and province.	3. Position held by officer with employee organization.

Schedule B

1. Name of officer in full, including all given names.	2. Residence address, giving street and number or rural route number and municipality or post office and province.	3. Position held by officer with employee organization.	4. Whether elected or appointed to position.	5. Date of election or appointment.	6. Name of officer or employee who made the appointment, or in the case of election, name of body that elected officer.

Schedule C

1. Name of employee in full, including all given names.	2. Residence address, giving street and number or rural route number and municipality or post office and province.	3. Position held by employee with employee organization.	4. Whether elected or appointed to position.	5. Date of election or appointment.	6. Name of officer or employee who made the appointment, or in the case of election, name of body that elected employee.

Form 2

Crown Employees Collective Bargaining Act

STATEMENT OF INCOME AND EXPENDITURE OF EMPLOYEE ORGANIZATION

*Strike out
inapplicable term

For the *fiscal year commencing
*period month day year
ending
month day year

INCOME OF THE EMPLOYEE ORGANIZATION

1. Net dues and assessments, \$
 - (a) from persons resident in Canada
 - (b) from all other persons
2. Interest
3. Dividends
4. Rents
5. Other income (indicate sources)
6. Total income (sum of items 1 to 5)

EXPENDITURE OF THE EMPLOYEE ORGANIZATION

7. Gross salaries, wages and other remuneration,
 - (a) of officers and employees resident in Canada
 - (b) of all other officers and employees
8. Office and administrative expenditure
9. Professional fees and expenses
10. Pension and welfare benefits paid by the employee organization,
 - (a) to beneficiaries resident in Canada
 - (b) to all other beneficiaries
11. Contributions by the employee organization to pension and welfare plans
administered by entities separate from the employee organization
12. Depreciation on fixed assets
13. Other expenditures (state purposes)
14. Total expenditure (sum of items 7 to 13)
15. Net Income of the employee organization (item 6 minus item 14)

Form 3

*Crown Employees' Collective Bargaining Act*AFFIDAVIT BY PRESIDENT AND TREASURER OF EMPLOYEE ORGANIZATION
FILED PURSUANT TO SECTION 47 (2) OF THE ACT

We, , president
(name of president of employee organization)
of
(name of employee organization)
and , treasurer
(name of treasurer of employee organization)
of , severally
(name of employee organization)

make oath and say:

1. We are the president and treasurer respectively of the
(name of employee organization)
and as such have knowledge of the matters hereinafter deposed to.
2. During the entire period ending reported upon in the financial statement of the employee
organization dated
(date of financial statement)
to be filed with the Ontario Public Service Labour Relations Tribunal with this affidavit the said employee organization was at all times qualified
as an employee organization under the *Crown Employees Collective Bargaining Act*.

SEVERALLY SWORN BEFORE ME:

at
in the of
..... this
..... day of, 19.....

.....
(signature of president of employee organization)

.....
A Commissioner, etc.

.....
(signature of treasurer of employee organization)

Form 4

*Crown Employees Collective Bargaining Act*APPLICATION FOR REPRESENTATION RIGHTS
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent.

The applicant applies to the Ontario Public Service Labour Relations Tribunal for representation rights as bargaining agent of the employees of the respondent in a unit that it claims to be appropriate for collective bargaining.

The applicant states:

1. (a) address of applicant:
(b) address of applicant for service:
2. Detailed description of the unit of employees of the respondent that the applicant claims to be appropriate for collective bargaining:
3. Approximate number of employees in the unit described in paragraph 2:
4. The name and address of any employee organization known to the applicant as claiming to be the bargaining agent of, or as claiming to represent, any employees who may be affected by this application:
5. Other relevant statements (attach additional pages if necessary):

DATED at , this day of , 19

.
(signature for the applicant)

R.R.O. 1990, Reg. 258, Form 4.

Form 5

Crown Employees Collective Bargaining Act

NOTICE OF FIXING TERMINAL DATE
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent.

TO THE APPLICANT,

1. TAKE NOTICE that, in accordance with the Tribunal's direction, I have fixed the day of, 19, as the terminal date for this application.

2. Your attention is directed to subsections 10 (1) and (2) of the rules of procedure which read as follows:

(1) Evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall not be accepted by the Tribunal on an application for representation rights or for a declaration terminating rights unless the evidence is in writing, signed by the employee or each member of a group of employees, as the case may be, and,

(a) is accompanied by,

(i) the return mailing address of the person who files the evidence, objection or signification, and

(ii) the name of the body, if any, representing the employer; and

(b) is filed not later than the terminal date for the application.

(2) No oral evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be accepted by the Tribunal except to identify and substantiate the written evidence referred to in subsection (1).

3. The hearing of the application by the Tribunal will take place at

....., Ontario, on day, the day of, 19

DATED at, this day of, 19

.....
Registrar

Form 6

Crown Employees Collective Bargaining Act

NOTICE OF APPLICATION FOR REPRESENTATION RIGHTS AND OF HEARING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

TO THE RESPONDENT,

1. TAKE NOTICE that the applicant, on, 19....., made an application to the Ontario Public Service Labour Relations Tribunal for representation rights as bargaining agent of your employees in a bargaining unit described in the attached copy of the application.

2. You are required to post the enclosed Notices to Employees of Application for Representation Rights and of Hearing (Form 7), immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the close of business on the terminal date set out in paragraph 4.

3. You shall complete and send to the Tribunal immediately the Return of Posting (Form 17), which is attached hereto.

4. The terminal date fixed for this application as directed by the Tribunal is the day of, 19

5. You shall send to the Tribunal your reply so that,

(a) it is received by the Tribunal not later than the terminal date shown in paragraph 4; or

(b) if it is mailed by registered mail addressed to the Tribunal at its office,,
....., Ontario, it is mailed not later than the terminal date shown in paragraph 4.

6. If, in your reply, you propose a bargaining unit different from the one proposed by the applicant, you shall indicate on the list of employees in the Schedule to your reply the name and classification of any person you propose should be excluded from, as well as the name and classification of any person you propose should be added to, the bargaining unit proposed by the applicant and you shall forward to the Tribunal appropriate documents containing the signatures of any additional person.

7. AND FURTHER TAKE NOTICE of the hearing of the application by the Tribunal at
....., Ontario, on the day of, 19, at o'clock in
the noon.

DATED this day of, 19

.....
Registrar

Form 7

Crown Employees Collective Bargaining Act

NOTICE TO EMPLOYEES OF APPLICATION
FOR REPRESENTATION RIGHTS AND OF HEARING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

File No.

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent.

NOTICE TO EMPLOYEES:

1. TAKE NOTICE that the applicant, on, 19, made an application to the Ontario Public Service Labour Relations Tribunal for representation rights as bargaining agent of in the following bargaining unit:

2. Your attention is directed to the following information contained in the application:

3. The hearing of the application by the Tribunal will take place at its
....., Ontario, on day, the day of, 19, at
o'clock in the noon.

4. The terminal date fixed for this application as directed by the Tribunal is the day of, 19

5. Any employee or group of employees affected by the application and desiring to make representations to the Tribunal in opposition to this application shall send to the Tribunal a statement in writing of such desire, which shall,

- (a) contain the return mailing address of the employee or representative of a group of employees;
- (b) contain the name of the body, if any, representing the respondent employer; and
- (c) be signed by the employee or each member of a group of employees.

6. The statement of desire must be,

- (a) received by the Tribunal not later than the terminal date shown in paragraph 4; or
- (b) if it is mailed by registered mail addressed to the Tribunal at its office,
....., Ontario, mailed not later than the terminal date shown in paragraph 4.

7. A statement of desire that does not comply with paragraphs 5 and 6 will not be accepted by the Tribunal.

8. Any employee, or group of employees, who has informed the Tribunal in writing of his, her or their desire in accordance with paragraphs 5 and 6 may attend and be heard at the hearing in person or by a representative. Any employee or representative who appears at the hearing will be required to testify, or produce a witness or witnesses who will be able to testify from personal knowledge and observation, as to (a) the circumstances concerning the origination of the material filed, and (b) the manner in which each of the signatures was obtained.

DATED this day of, 19

.....
Registrar

Form 8

*Crown Employees Collective Bargaining Act*DECLARATION CONCERNING MEMBERSHIP DOCUMENTS
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

—and—

Intervener.

*Strike out word
not applicableI,, the
(name) (office)of the *applicant
*intervener herein declare that, to the best of my knowledge, information and belief;

1. The documents submitted in support of the application represent documentary evidence of membership on behalf of
..... persons who were employees of the respondent in the bargaining unit that the *applicant
(number) *intervener herein
claims to be appropriate for collective bargaining, on the date of the making of the application.
2. There were persons who were employees of the respondent in the bargaining unit that the
(number) *applicant
*intervener herein claims to be appropriate for collective bargaining on the date of the making of the application.
3. (Where the documentary evidence consists of receipts or other acknowledgements of the payment on account of dues or initiation fees.) On the basis of my personal knowledge and inquiries I have made, I state that the persons whose names appear on the receipts or other acknowledgements of the payment on account of dues or initiation fees are the persons who actually collected the money paid on account of dues or initiation fees and that each member, on whose behalf a receipt or acknowledgement of payment is submitted has personally paid in money the amount shown thereon on his or her own behalf to the person whose name appears on the receipt or acknowledgement of payment as collector, EXCEPT IN THE FOLLOWING INSTANCES:

DATED, this day of, 19

.....
(signature)

Form 9

*Crown Employees' Collective Bargaining Act*REPLY TO APPLICATION FOR REPRESENTATION RIGHTS
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent.

The respondent replies to the application for representation rights as follows:

The respondent states:

1. (a) name of body, if any, representing the respondent:
(b) address of respondent or body representing respondent for service:
2. Total number of employees of the respondent on the payroll of the Ministries or agencies or both in respect of which the application for representation rights has been made:
3. Total number of employees in the unit described by the applicant as being appropriate for collective bargaining as of the date the application was made:
4. Detailed description of the unit claimed by the respondent to be appropriate for collective bargaining, including the municipality or other geographical area affected:
5. Number of employees in the unit claimed by the respondent to be appropriate for collective bargaining as of the date the application was made:
6. The name and address of any employee organization known to the respondent or the body representing the respondent as claiming to be the bargaining agent of or to represent any employees who may be affected by the application:
7. The date of the grant of any representation rights of a bargaining agent of any employees who may be affected by the application:

*Strike out if not
applicable

- *8. The respondent is or was a party to or bound by a collective agreement, a copy of which is enclosed, with an employee organization that,
 - (a) was signed on the day of, 19
 - (b) became effective on the day of, 19
 - (c) contains the following provision relating to its termination or renewal:
9. A list is set out in the Schedule hereto of all employees in the bargaining unit described in the application as at the date when the applicant's application was made.
10. Documents, from among existing employment records, containing the signatures of the employees whose names appear on the list referred to in paragraph 9, arranged in alphabetical order, accompany this Reply.
11. Other relevant statements (use additional pages if necessary):

DATED, this day of, 19

.....
(signature for the respondent)

Schedule

1. List (alphabetically arranged) of all employees in the bargaining unit described in the application of the applicant as at the day of, 19 (Do not include the names of employees that appear in paragraphs 2 or 3)

Name	Occupational Classification
1. 2. 3. 4. 5.	

2. List (alphabetically arranged) of all employees who were not actually at work on the day of 19 by reason of lay-off, in the bargaining unit described in the application of the applicant.

Name	Occupational Classification	Date of Lay-off	Expected Date of Recall
1. 2. 3. 4. 5.			

3. List (alphabetically arranged) of all employees not previously shown who were not at work on the day of 19 in the bargaining unit described in the application of the applicant.

Name	Occupational Classification	Last Day Worked	Reason for Absence	Expected Date of Return
1. 2. 3. 4. 5.				

This list has been prepared by me or under my direction and I confirm the accuracy thereof.

.....
(signature of officer of employer)

Form 10

Crown Employees' Collective Bargaining Act

NOTICE OF APPLICATION BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent.

To:

1. TAKE NOTICE that the applicant, on, 19, made to the Ontario Public Service Labour Relations Tribunal an application for representation rights as bargaining agent of the employees of the respondent in a bargaining unit described in the attached copy of the application.

2. AND FURTHER TAKE NOTICE that if you claim to represent any of the employees affected by the application, you shall send to the Tribunal your intervention thereon so that,

(a) it is received by the Tribunal; or

(b) if mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed,

not later than the terminal date fixed for this application as directed by the Tribunal, which terminal date is the day of

....., 19, and that if you fail to send an intervention not later than the day of, 19, you may be deemed by the Tribunal to have abandoned your claim, if any, to represent any of the employees who may be affected by the application.

DATED this day of, 19

.....
Registrar

R.R.O. 1990, Reg. 258, Form 10.

Form 11

Crown Employees Collective Bargaining Act

INTERVENTION BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent.

..... intervenes in this proceeding.
(name of intervener)

1. The intervener states:

(a) address of intervener:

(b) address of intervener for services:

*Strike out if not
applicable.

*2. The intervener is an employee organization that,

*(a) represents employees; or

*(b) is the bargaining agent of employees who may be affected by the application.

OR

*3. The intervener is the employer of the employees affected by this application.

*4. The intervener submits with this intervention the following documentary evidence:

5. The intervener desires to make the following submissions:

DATED at, this day of, 19

.....
(signature for the intervener)

Form 12

*Crown Employees Collective Bargaining Act*NOTICE OF INTERVENTION AND APPLICATION FOR REPRESENTATION RIGHTS
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

—and—

Intervener.

The intervener applies to the Ontario Public Service Labour Relations Tribunal for representation rights as bargaining agent of the employees of the respondent in a unit that it claims to be appropriate for collective bargaining.

The intervener states:

1. (a) address of intervener:
(b) address of intervener for service:
2. Detailed description of the unit of employees of the respondent that the intervener claims to be appropriate for collective bargaining, including the municipality or other geographic area affected:
3. Approximate number of employees in the unit described in paragraph 2:
4. Other relevant statements (attach additional pages if necessary):

DATED at, this day of, 19

.....
(signature for the intervener)

R.R.O. 1990, Reg. 258, Form 12.

Form 13

*Crown Employees Collective Bargaining Act*NOTICE OF TAKING OF VOTE BY THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL
PURPOSE OF VOTE

WHEREAS

has applied to the Tribunal for

certain employees of

AND WHEREAS the Tribunal has directed a representation vote in the matter:

THEREFORE TAKE NOTICE that, under the direction of the Tribunal, a representation vote of the employees described below will be taken under the supervision of officials of the Tribunal.

SECRET BALLOT

The vote shall be by secret ballot. The Returning Officer will issue a ballot to each eligible voter presenting himself or herself to vote at the proper polling place. The voter will mark the ballot in secret in a polling booth, fold it and deposit it in the ballot box provided at the polling place. The Returning Officer is the proper person to whom inquiries should be directed by employees who are in doubt as to their eligibility to vote or as to the voting procedure.

ELECTIONEERING

I direct all interested persons to refrain and desist from propaganda and electioneering from midnight of day, the day of, 19 .., until the vote is taken.

SCRUTINEERS

One scrutineer approved by me and representing each interested party may be designated for each polling place. The scrutineers have the following duties and privileges:

1. To act as checkers of voters' lists at the polling place.
2. To assist in the identification of voters.
3. Otherwise to assist in the conduct of the vote as may be required by the Returning Officer.

ELIGIBLE VOTERS

Persons eligible to vote are:

TIME AND PLACE OF TAKING VOTE

Voters may cast ballots at their proper polling place at any time during the period in which voting is to take place.

The vote will be taken at the following time and place:

Date:

Hours:

Place:

FORM OF BALLOT

This is a sample of the ballot to be used for the vote:

Mark "X" opposite your choice IN YOUR EMPLOYMENT RELATIONS WITH DO YOU WISH TO BE REPRESENTED BY	
..... OR	
..... OR	
No employee organization	

DO NOT SIGN, NUMBER, OR OTHERWISE MARK YOUR
BALLOT IN SUCH A WAY AS TO REVEAL YOUR IDENTITY.

VOTERS ARE ENTITLED TO VOTE WITHOUT INTERFERENCE, RESTRAINT OR COERCION.
THIS IS AN OFFICIAL NOTICE OF THE TRIBUNAL AND SHALL NOT BE REMOVED OR DEFACED.

DATED at, this day of, 19

Form 14

Crown Employees Collective Bargaining Act

NOTICE OF REPORT OF RETURNING OFFICER
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL
PURPOSE OF VOTE

FILE NO.

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

—and—

Intervener.

To:

1. Attached hereto is a copy of my report upon the representation vote herein held on the day of, 19, under the direction of the Tribunal dated the day of, 19

2.—(1) TAKE NOTICE that if you desire to make representations as to any matter relating to the representation vote, or as to the accuracy of the report, or as to the conclusions the Tribunal should reach in view of the report, you shall send to the Tribunal a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or a representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Tribunal in connection with the report.

(2) If you desire to make representations as to any matter relating to the representation vote, or as to the accuracy of the report, your statement of desire shall contain a concise statement of your allegations concerning the representation vote or as to errors in or omissions from the report.

(3) If you wish to make representations as to the conclusions the Tribunal should reach in view of the report, you shall include in your statement a summary of the representations you wish the Tribunal to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Tribunal so that,

- (a) it is received by the Tribunal not later than the day of, 19; or
- (b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19

DATED at, this day of, 19

.....
Returning Officer

Form 15

Crown Employees Collective Bargaining Act

NOTICE OF REPORT OF RETURNING OFFICER
 WHERE TRIBUNAL HAS DIRECTED THAT BALLOT BOX
 BE SEALED
 BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

—and—

Intervener.

To:

1. Attached hereto is a copy of my report upon the representation vote herein held on the day of, 19, under the direction of the Tribunal dated the day of, 19

2. The Tribunal has directed that the ballot box containing the ballots cast in the representation vote be sealed and that the ballots shall not be counted at this time.

3.—(1) TAKE NOTICE that if you desire to make representations, as to any matter relating to the representation vote, you shall send to the Tribunal a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or a representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Tribunal.

(2) Your statement of desire shall contain a summary of the representations you wish the Tribunal to consider.

4. A statement referred to in paragraph 3 shall be sent to the Tribunal so that,

- (a) it is received by the Tribunal not later than the day of, 19 ; or
- (b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19

DATED at, this day of, 19

.....
 Returning Officer

Form 16

Crown Employees Collective Bargaining Act

NOTICE OF REPORT OF RETURNING OFFICER
ON COUNTING OF BALLOTS
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

—and—

Intervener.

To:

1. Attached hereto is a copy of my report upon the counting of the ballots in the representation vote herein held on the day of, 19, under the direction of the Tribunal dated the day of, 19

2.—(1) TAKE NOTICE that if you desire to make representations as to the accuracy of the report, or as to the conclusions the Tribunal should reach in view of the report, you shall send to the Tribunal a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or a representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Tribunal in connection with the report.

(2) If you desire to make representations as to the accuracy of the report, your statement of desire shall contain a concise statement of your allegations concerning the errors in or omissions from the report.

(3) If you wish to make representations as to the conclusions the Tribunal should reach in view of the report, your statement shall contain a summary of the representations you wish the Tribunal to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Tribunal so that,

- (a) it is received by the Tribunal not later than the day of, 19; or
- (b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19

DATED at, this day of, 19

.....
Returning Officer

Form 17

*Crown Employees Collective Bargaining Act*RETURN OF POSTING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent,

I, hereby declare that:
(name)1. I am the of the employer.
(office or position)2. I did, on the day of, 19....., post upon the premises of the employer
(number)
notices to employees in this matter, in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application.

DATED at, this day of, 19

.....
(signature)

Re:

I, have ascertained from employees affected
(name of representative)

by this application that the Notices to Employees (Form) were posted by the employer on

.....
(representative of applicant)

R.R.O. 1990, Reg. 258, Form 17.

Form 18

*Crown Employees' Collective Bargaining Act*NOTICE OF HEARING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent,

—and—

Intervener.

To:

TAKE NOTICE of the hearing by the Tribunal of

at, Ontario, on day the day of

19, at o'clock in the noon.

DATED this day of, 19

.....
Registrar

R.R.O. 1990, Reg. 258, Form 18.

Form 19

*Crown Employees Collective Bargaining Act*NOTICE OF REPORT OF INQUIRY OFFICER
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent,

—and—

Intervener.

To:

1. Attached hereto is a copy of the report of upon the inquiry authorized under the Tribunal's direction, dated the day of, 19, in this matter.

2.—(1) TAKE NOTICE that if you desire to make representations as to the accuracy of the report or as to the conclusions the Tribunal should reach in view of the report, you shall send to the Tribunal a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or by a representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Tribunal in connection with the report.

(2) If you desire to make representations as to the accuracy of the report, your statement of desire shall contain a concise statement of your allegations as to errors in or omissions from the report.

(3) If you wish to make representations as to the conclusions the Tribunal should reach in view of the report, your statement shall contain a summary of the representations you wish the Tribunal to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Tribunal so that,

- (a) it is received by the Tribunal not later than the day of, 19 ... , or
- (b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19

DATED at, this day of, 19

.....
Registrar

Form 20

*Crown Employees Collective Bargaining Act*APPLICATION FOR DECLARATION
TERMINATING REPRESENTATION RIGHTS
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent.

The applicant applies to the Ontario Public Service Labour Relations Tribunal under section
 of the Act for a declaration that the respondent
 (24, 25)
 no longer represents the employees in the bargaining unit for which it is the bargaining agent.

The applicant states:

1. Address of applicant:
2. Address of applicant for service:
3. Address of respondent:
- *4. Name of agency, if any, of employer of employees affected by the application:
5. Address of agency of employer:
6. Detailed description and geographic location of the unit of employees for which the respondent is the bargaining agent, including the municipality or other geographic area affected:
7. Approximate number of employees in the unit described in paragraph 6:
8. Other relevant statements (attach additional pages if necessary):
- *9. (Where the application is made under section 24 of the Act). The applicant submits with the application the document or documents by which employees in the bargaining unit have voluntarily signified in writing that they no longer wish to be represented by the respondent.)

*To be completed
if applicant is
not employer.

*Strike out this
paragraph if not
applicable.

DATED at, this day of, 19

.....
(signature for the applicant)

Form 21

Crown Employees Collective Bargaining Act

NOTICE OF APPLICATION FOR DECLARATION
 TERMINATING REPRESENTATION RIGHTS AND OF HEARING
 BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent.

TO THE RESPONDENT:

1. TAKE NOTICE that the applicant, on, 19, made an application to the Ontario Public Service Labour Relations Tribunal for a declaration that the respondent no longer represents the employees of the Crown in right of Ontario in the bargaining unit described in the attached copy of the application.

2. The terminal date fixed for the application as directed by the Tribunal is the day of, 19

3. You shall send to the Tribunal your reply so that,

(a) it is received by the Tribunal not later than the terminal date shown in paragraph 2; or

(b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the terminal date shown in paragraph 2.

4. AND FURTHER TAKE NOTICE of the hearing of the application by the Tribunal at, Ontario, on day, the day of, 19, at o'clock in the noon.

DATED this day of, 19

.....
 Registrar

R.R.O. 1990, Reg. 258, Form 21.

Form 22

Crown Employees Collective Bargaining Act

NOTICE TO EMPLOYEES OF APPLICATION FOR
DECLARATION TERMINATING REPRESENTATION RIGHTS
AND OF HEARING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent.

NOTICE TO EMPLOYEES

1. TAKE NOTICE that the applicant, on, 19, made to the Ontario Public Service Labour Relations Tribunal an application for a declaration that the respondent no longer represents the employees in the following bargaining unit:

2. Your attention is directed to the following information contained in the application:

3. The hearing of the application by the Tribunal will take place at, Ontario, on day of, 19, at o'clock in the noon.

4. The terminal date fixed for this application as directed by the Tribunal is the day of, 19

5. Any employee or group of employees affected by the application and desiring to make representations to the Tribunal in opposition to this application shall send to the Tribunal a statement in writing of such desire, which shall,

- (a) contain the return mailing address of the employee or representative of a group of employees;
- (b) contain the name of the agency, if any, of the employer concerned; and
- (c) be signed by the employee or each member of a group of employees.

6. The statement of desire must,

- (a) be received by the Tribunal not later than the terminal date shown in paragraph 4; or
- (b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, be mailed not later than the terminal date shown in paragraph 4.

7. A statement of desire that does not comply with paragraphs 5 and 6 will not be accepted by the Tribunal.

8. Any employee or group of employees informing the Tribunal in writing of his, her or their desire in accordance with paragraphs 5 and 6 may attend and be heard at the hearing in person or by a representative. Any employee or representative who appears at the hearing will be required to testify from personal knowledge and observation, as to (a) the circumstances concerning the origination of the material filed, and (b) the manner in which each of the signatures was obtained.

DATED this day of, 19

.....
Registrar

Form 23

Crown Employees Collective Bargaining Act

REPLY TO APPLICATION FOR DECLARATION
 TERMINATING REPRESENTATION RIGHTS
 BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

File NO.

Between:

Applicant,

—and—

Respondent.

The respondent replies to the application for a declaration that the respondent no longer represents the employees in the bargaining unit for which it is the bargaining agent as follows:

The respondent states:

1. Correct name of respondent:
2. Address of respondent:
3. Address of respondent for service:
- *4. Name of agency of employer of employees affected by the application:
5. Address of agency of employer:
6. Detailed description of the unit of employees for which the respondent is the bargaining agent, including the municipality or other geographical area affected:
7. Approximate number of employees in the unit as of the date the application was made:
8. The date representation rights were granted, if any, of the respondent as bargaining agent of the employees in the unit:
- *9. The respondent is or was a party to or bound by a collective agreement, a copy of which is enclosed herewith, with
 that,
 (name of employer)
 (a) was signed on the day of, 19;
 (b) became effective on the day of, 19; and
 (c) contains the following provision relating to its termination or renewal:
10. Other relevant statements (use additional pages if necessary):

*To be completed
 if applicant is
 not the employer.

*Strike if not
 applicable.

DATED at, this day of, 19

.....
(signature for the respondent)

Form 24

Crown Employees' Collective Bargaining Act

NOTICE OF APPLICATION FOR DECLARATION TERMINATING REPRESENTATION RIGHTS
AND OF HEARING BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent.

To:

1. TAKE NOTICE that the applicant, on, 19 made an application to the Ontario Public Service Labour Relations Tribunal for a declaration that the respondent no longer represents the employees in the bargaining unit described in the attached copy of the application.

2. You are required to post the enclosed notices to employees of application and of hearing (Form 22) immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the terminal date for the application shown in paragraph 4.

3. You are required to complete and send to the Tribunal the Return of Posting (Form 17) which is attached hereto.

4. The terminal date fixed for this application as directed by the Tribunal is the day of, 19

5. You shall send to the Tribunal your intervention to this application as well as the material listed below so that,

(a) it is received by the Tribunal not later than the terminal date shown in paragraph 4; or

(b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the terminal date shown in paragraph 4:

i. A list arranged as in the schedule attached hereto of all employees in the bargaining unit described in the application as at, 19, the date when the applicant's application was made;

ii. Documents from among existing employment records containing signatures of the employees whose names appear on the list referred to above, also arranged in alphabetical order.

6. You shall certify the list of employees by adding thereto the following statement:

"This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof."

.....
(signature of officer)

7. AND FURTHER TAKE NOTICE of the hearing of the application by the Tribunal at, Ontario, on day, the day of, 19, at o'clock in the noon.

DATED this day of, 19

.....
Registrar

Schedule

1. List (alphabetically arranged) of all employees in the bargaining unit described in the application of the applicant as at the day of, 19 (Do not include the names of employees that appear in paragraph 2 or 3.)

Name	Occupational Classification
1.	
2.	
3.	
4.	
5.	

2. List (alphabetically arranged) of all employees who were not actually at work on the day of
19 by reason of lay-off, in the bargaining unit described in the application of the applicant.

Name	Occupational Classification	Date of Lay-off	Expected Date of Recall
1.			
2.			
3.			
4.			
5.			

3. List (alphabetically arranged) of all employees not previously shown who were not at work on the day of , 19
in the bargaining unit described in the application of the applicant.

Name	Occupational Classification	Last Day Worked	Reason for Absence	Expected Date of Return
1.				
2.				
3.				
4.				
5.				

Form 25

Crown Employees' Collective Bargaining Act

APPLICATION FOR EXEMPTION ON THE GROUNDS OF RELIGIOUS CONVICTION OR BELIEF FROM PAYMENT OF DUES OR CONTRIBUTIONS TO AN EMPLOYEE ORGANIZATION AS PROVIDED IN A COLLECTIVE AGREEMENT BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent
Employee
Organization,

—and—

Respondent
Employer or
Agency of the
Employer

The applicant applies to the Ontario Public Service Labour Relations Tribunal for exemption on the grounds of religious conviction or belief from payment of dues or contributions to an employee organization in a collective agreement entered into between the employee organization and the employer.

The applicant states:

1. Address of applicant for service:
2. Address of respondent employee organization:
3. The applicant has been and continues to be an employee of the respondent employer or agency of the employer since the day of, 19
- *4.—(1) A collective agreement, a copy of which is appended hereto, was entered into between the employee organization and the employer on the day of, 19, and is operative from the day of, 19, to the day of, 19
- (2) The dues payment or contributions to an employee organization provision from which the applicant is seeking exemption is as follows:
- *5.—(1) A collective agreement was entered into between the employee organization and employer but has not been made available to the applicant.
- (2) Under the terms of this collective agreement, employees are required to pay dues or make contributions to the employee organization.
6. The grounds upon which the applicant seeks exemption (state as concisely as possible the religious conviction or belief for objecting to paying dues or making contributions to the employee organization):
7. Other relevant statements:

DATED at, this day of, 19

.....
(signature)

Form 26

Crown Employees Collective Bargaining Act

NOTICE OF APPLICATION FOR EXEMPTION FROM PAYMENT OF DUES OR CONTRIBUTIONS
TO AN EMPLOYEE ORGANIZATION AS PROVIDED IN A COLLECTIVE AGREEMENT
ON THE GROUNDS OF RELIGIOUS CONVICTION OR BELIEF AND OF HEARING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent
Employee
Organization,

—and—

Respondent
Employer or
Representative
of the
Employer

TO THE RESPONDENT:

1. TAKE NOTICE that the applicant, on the day of, 19, made an application to the Ontario Public Service Labour Relations Tribunal for exemption from the payment of dues or contributions to an employee organization provision in a collective agreement entered into between the employee organization and the employer. A copy of the application is attached.

2. You shall send your reply to this application accompanied by the collective agreement between the employee organization and the employer to the Tribunal so that,

(a) it is received by the Tribunal; or

(b) if mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed, not later than the day of, 19

3. If you fail to send your reply to the Tribunal so that,

(a) it is received by the Tribunal; or

(b) if mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed, on or before the day of, 19, the Tribunal may dispose of the application on the evidence and representations placed before it by the applicant without further notice to you.

4. The hearing of the application by the Tribunal will take place at, Ontario, on day, the day of, 19, at o'clock in the noon.

DATED this day of, 19

.....
Registrar

Form 27

Crown Employees Collective Bargaining Act

REPLY TO AN APPLICATION FOR EXEMPTIONS FROM DUES PAYMENT OF CONTRIBUTIONS
TO AN EMPLOYEE ORGANIZATION AS PROVIDED IN A COLLECTIVE AGREEMENT
ON THE GROUNDS OF RELIGIOUS CONVICTION OR BELIEF
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent
Employee
Organization

—and—

Respondent
Employer or
Representative
of the
Employer

The respondent replies to the application for exemption from the payment of dues or contributions to an employee organization provision in a collective agreement between the employee organization and employer as follows:

1. Correct name of respondent:
2. Address of respondent:
3. Address of respondent for service:
4. A collective agreement, a copy of which is enclosed, was entered into between the employee organization and the employer on the day of, 19, and is operative from the day of, 19 to the day of, 19
5. The provision respecting the payment of dues or contributions to an employee organization in the collective agreement is as follows:
6. The respondent replies to the application as follows:

DATED at, this day of, 19

.....
(signature for the respondent)

R.R.O. 1990, Reg. 258, Form 27.

Form 28

Crown Employees Collective Bargaining Act

COMPLAINT UNDER SECTION 30 OF THE ACT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Complainant,

—and—

Respondent.

The complainant complains that the grievor(s) named in paragraph 5 has (have) been dealt with by the respondent contrary to the provisions of section(s)
(specify relevant section(s))

..... of the *Crown Employees Collective Bargaining Act*, and requests that
.....
(state relief sought by grievor(s))

- 1. Name of complainant:
- 2. Address of complainant for service:
- 3. Name of respondent:
- 4. Address of respondent:
- 5. Name(s) of grievor(s):
- 6. Address(es) and telephone number(s) of grievor(s):
- *7. Name of any other person or organization that may be affected by the complaint:
- 8. Address of person or organization that may be affected by the complaint:
- 9. The following is a concise statement of the nature of each act or omission complained of (use additional sheets if necessary).
On or about, the grievor(s) was
(date of alleged violation)
(were) dealt with by
(the respondent where respondent is an individual)
.....
(or name and position with respondent)
of the respondent contrary to the provisions of section(s)
.....
of the *Crown Employees Collective Bargaining Act* in that he or she did on his or her own behalf or on behalf of the respondent:
- 10. The following steps have been taken on behalf of the grievor(s) for the adjustment of the matters giving rise to the complaint (if none has been taken state the reason why):
- 11. The person or organization set out above in paragraph 7 is affected by the complaint for the following reason(s):
- 12. Other relevant statements:

DATED at, this day of, 19

.....
(signature of complainant)

Form 29

Crown Employees Collective Bargaining Act

COMPLAINT UNDER SECTION 32 OF THE ACT
 (FAILURE TO COMPLY WITH THE TERMS OF SETTLEMENT OF PRIOR COMPLAINT)
 BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Complainant,

—and—

Respondent.

The complainant complains that the respondent has not complied with the terms of settlement of complaint made under section 32 of the *Crown Employees Collective Bargaining Act* contrary to subsection (5) of that section.

1. On a complaint under section 32
 (date)

was filed with the Tribunal and on
 (date)
 the parties entered into a written settlement of that complaint (a signed copy of which is filed herewith).

2. The respondent has failed to comply with the terms of the settlement as follows:

.....
 (state how respondent has not complied with terms of settlement, giving full particulars)

3. Name of complainant:

4. Address of complainant for service:

5. Name of respondent:

6. Address of respondent:

*Strike out if not
 applicable.

*7. Name of intervener:

*8. Address of intervener:

9. Name(s) of grievor(s):

10. Address(es) of grievor(s):

11. The following steps have been taken on behalf of the complainant to obtain compliance with the terms of the settlement:

.....

12. Other relevant statements:

.....

13. The complainant requests that the respondent be required to:

.....
 (state specific relief sought by grievor(s))

.....

DATED at this day of, 19

.....
 (signature of complainant)

Form 30

Crown Employees Collective Bargaining Act

NOTICE OF INQUIRY INTO COMPLAINT UNDER SECTION 32 OF THE ACT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Complainant,

—and—

Respondent.

To:

1. TAKE NOTICE that has been authorized by the Ontario Public Service Labour Relations Tribunal on the
..... day of, 19 to inquire into the complaint of the complainant that
and to report to the Tribunal.

2. AND FURTHER TAKE NOTICE that the inquiry by
on day, the day of, 19, o'clock
in the noon.

DATED this day of, 19

.....
Registrar

Form 31

*Crown Employees' Collective Bargaining Act*REPLY TO COMPLAINT UNDER SECTION 32 OF THE ACT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

---and---

Complainant,

Respondent.

The respondent states in reply to the complaint of the complainant as follows:

1. Correct name of respondent:
2. Address of respondent:
3. Address of respondent for service:
4. Name, if any, of any other person or organization that may be affected by the complaint:
5. Address of person or organization that may be affected by the complaint:
6. The person or organization set out above in paragraph 4 is affected by the complaint for the following reason(s):
7. The respondent replies to the complaint as follows:

DATED at, this day of, 19

.....
(signature for the respondent)

R.R.O. 1990, Reg. 258, Form 31.

Form 32

Crown Employees Collective Bargaining Act

INTERVENTION IN COMPLAINT UNDER SECTION 32 OF THE ACT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Complainant,

—and—

Respondent.

..... intervenes
(name of intervener)

in this proceeding.

1. The intervener states:

(a) address of intervener:

(b) address of intervener for service:

2. The intervener claims to be affected by the complaint for the following reason(s):

3. The intervener desires to make the following submissions:

DATED at, this day of, 19

.....
(signature for the intervener)

Form 33

*Crown Employees' Collective Bargaining Act*NOTICE OF REPORT OF ADJUDICATOR OR INVESTIGATOR
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent,

—and—

Intervener.

To:

1. Attached hereto is a copy of the report of upon the inquiry authorized under the Tribunal's direction, dated the, 19 in this matter.

2.—(1) TAKE NOTICE that if you desire to make representations as to the accuracy of the report or as to the conclusions the Tribunal should reach in view of the report, you shall send to the Tribunal a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or a representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Tribunal in connection with the report.

(2) If you desire to make representations as to the accuracy of the report, your statement of desire shall contain a concise statement of your allegations as to errors in or omissions from the report.

(3) If you wish to make representations as to the conclusions the Tribunal should reach in view of the report, your statement shall contain a summary of the representations you wish the Tribunal to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Tribunal so that,

- (a) It is received by the Tribunal not later than the day of, 19; or
- (b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19

DATED at, this day of, 19

.....
Registrar

Form 34*Crown Employees Collective Bargaining Act*APPLICATION FOR DECLARATION THAT
EMPLOYEE ORGANIZATION HAS DECLARED OR AUTHORIZED A STRIKE
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent.

The applicant applies to the Ontario Public Service Labour Relations Tribunal for a declaration that the respondent has declared or authorized a strike contrary to section 31 of the Act.

The applicant states:

1. Address of applicant:
2. Address of applicant for service:
3. Address of respondent:
4. The material facts upon which the applicant intends to rely in support of the allegation are as follows:

DATED at, this day of, 19

.....
(signature for the applicant)

R.R.O. 1990, Reg. 258, Form 34.

Form 35*Crown Employees Collective Bargaining Act*APPLICATION FOR DECLARATION THAT EMPLOYEES ARE ENGAGING IN A STRIKE
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondents.

The applicant applies to the Ontario Public Service Labour Relations Tribunal for a declaration that employees of the applicant are engaging in a strike contrary to section 27 of the Act.

The applicant states:

1. Address of applicant:
2. Address of applicant for service:
3. Addresses of respondents:
4. The material facts upon which the applicant intends to rely in support of the allegation are as follows:

DATED at, this day of, 19

.....
(signature for the applicant)

R.R.O. 1990, Reg. 258, Form 35.

Form 36

*Crown Employees Collective Bargaining Act*APPLICATION FOR DECLARATION THAT EMPLOYER HAS CAUSED LOCK-OUT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent.

The applicant applies to the Ontario Public Service Labour Relations Tribunal for a declaration that the respondent has caused a lock-out contrary to section 27 of the Act.

The applicant states:

1. Address of applicant:
2. Address of applicant for service:
3. Address of respondent:
4. The material facts upon which the applicant intends to rely in support of the allegation are as follows:

DATED at, this day of, 19

.....
(signature for the applicant)

R.R.O. 1990, Reg. 258, Form 36.

Form 37

Crown Employees Collective Bargaining Act

NOTICE OF APPLICATION FOR DECLARATION AS TO STRIKE OR LOCK-OUT
OR FOR CONSENT TO INSTITUTE PROSECUTION AND OF HEARING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent.

TO THE RESPONDENT,

1. TAKE NOTICE that the applicant, on, 19, made to the Ontario Public Service Labour Relations Tribunal an application, a copy of which is attached, for

2. You shall send to the Tribunal your reply, if any, to this application, so that,

(a) it is received by the Tribunal; or

(b) if mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19

3. AND FURTHER TAKE NOTICE of the hearing of the application by the Tribunal at, Ontario, on day, the day of, 19, at o'clock.

DATED this day of, 19

.....
Registrar

R.R.O. 1990, Reg. 258, Form 37.

Form 38

*Crown Employees Collective Bargaining Act*REPLY TO APPLICATION FOR DECLARATION AS TO STRIKE OR LOCK-OUT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent.

*Strike out if not
applicable.The respondent states in reply to the application for a declaration as to the *strike
*lockout as follows:

1. Correct name of respondent:
2. Address of respondent:
3. Address of respondent for service:
4. The respondent replies to the application as follows:

DATED at, this day of, 19

.....
(signature for the respondent)

R.R.O. 1990, Reg. 258, Form 38.

Form 39

Crown Employees Collective Bargaining Act

APPLICATION FOR CONSENT TO INSTITUTE PROSECUTION
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent.

The applicant applies to the Ontario Public Service Labour Relations Tribunal for consent to institute a prosecution of the respondent for an offence under the Act.

The applicant states:

1. Address of applicant:
2. Address of applicant for service:
3. Address of respondent:
4. The nature of the alleged offence:
5. The date of commencement of the alleged offence:
6. The material facts upon which the applicant intends to rely as establishing the offence are as follows:

DATED at, this day of, 19

.....
(signature for the applicant)

R.R.O. 1990, Reg. 258, Form 39.

Form 40

*Crown Employees Collective Bargaining Act*REPLY TO APPLICATION FOR CONSENT TO INSTITUTE PROSECUTION
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

FILE NO.

Between:

Applicant,

—and—

Respondent.

The respondent states in reply to the application for consent to prosecute for an offence under the Act as follows:

1. Correct name of respondent:
2. Address of respondent for service:
3. Address of respondent:
4. The respondent replies to the application as follows:

DATED at, this day of, 19

.....
(signature for the respondent)

R.R.O. 1990, Reg. 258, Form 40.

Form 41

Crown Employees Collective Bargaining Act

In the matter of a decision of the Grievance Settlement Board under section 19 of the *Crown Employees Collective Bargaining Act*.

Between:

Complainant,

—and—

Respondent.

To: The Ontario Court (General Division):

1. I, being a
(name)

.....
(Party, employer, employee organization or employee)

affected by the decision of the Grievance Settlement Board under section 19 of the *Crown Employees Collective Bargaining Act*, files the decision under that section.

2. The decision was made under the following circumstances:

i. Members of the Grievance Settlement Board:

ii. Appearances for Complainant:

iii. Appearances for Respondent:

iv. Date and Place of Hearing:

v. Date of Decision:

vi. Date of Release of Decision:

vii. Date Provided in Decision for Compliance:

3. The decision, exclusive of the reasons therefor, reads as follows:

4. The respondent has failed to comply with the decision.

DATED at, this day of, 19

I certify that the copy of the decision is a true copy and the particulars set out herein are within my knowledge and accurate.

.....
(signature of person filing the decision or,
where person filing is an employee organization,
of an officer authorized in that behalf)

Form 42

*Crown Employees' Collective Bargaining Act*STATEMENT OF TRUSTEESHIP OVER EMPLOYEE ORGANIZATION TO THE
ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

.....
(name of parent body filing statement)

having assumed supervision or control over

(name of subordinate employee organization)

submits the following information to The Ontario Public Service Labour Relations Tribunal under section 46 of the *Crown Employees Collective Bargaining Act*:

1. Head office address of parent body that has assumed supervision or control:
2. Address for service of the parent body:
3. Address of the subordinate employee organization:
4. Date on which supervision or control was assumed:
- 5.—(1) Name(s) and address(es) of person(s) appointed to exercise supervision or control over subordinate employee organization:
- (2) The appointment made,
 - (a) if by the executive or other body by (the name of the body and the names and official positions of the persons composing the body):
 - (b) if by an individual or individuals by (the name(s) and official position(s) of such person(s)):
6. Period of time during which supervision or control is to be exercised:
- 7.—(1) Detailed statement of the terms under which supervision or control is to be exercised (give the provisions of any document, including the constitution or by-laws, appointing a supervisor or controller and defining the terms under which supervision or control is to be exercised):
- (2) The provisions, if any, that have been made in the terms under which supervision or control is to be exercised for,
 - (a) the holding of membership meetings of the subordinate employee organization:
 - (b) the representation of members of the subordinate employee organization at conferences and conventions of the employee organization that has assumed supervision or control over the subordinate employee organization:

DATED at, this day of, 19

.....
(signatures of principal officers)

Form 43

Crown Employees Collective Bargaining Act

ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent,

—and—

Intervener.

I, of the
of in the
of
(occupation)

make oath and say as follows:

I did on day, the day of, 19,
personally serve with the attached summons by delivering a true copy of the summons to and leaving it with him or
her at together with \$ as attendance money.

SWORN before me at the)
.....)
..... of)
this day of)
19)

Crown Employees Collective Bargaining Act

Loi sur la négociation collective des employés de la Couronne

REGULATION 259

No Amendments

RULES OF PROCEDURE

INTERPRETATION

1. (1) In these Rules,

"file" means, except where otherwise stated, file with the Tribunal;

"registrar" means the registrar of the Tribunal;

"respondent" means the person named in an application or complaint or added as a respondent by the Tribunal.

(2) Where a period of time is prescribed by these Rules and is expressed as a number of days, holidays and Saturdays shall not be counted in the computation of the period. R.R.O. 1990, Reg. 259, s. 1.

APPLICATIONS

2. Where an application is made to the Tribunal, the registrar shall fix a terminal date for the application which shall be not less than ten days and not more than thirty days, as directed by the Tribunal, after,

- (a) the day on which the registrar serves the employer with notice of application for posting, where it is personally served; or
- (b) the day immediately following the day on which the registrar mails the notice of application to the employer for posting, where it is served by mail. R.R.O. 1990, Reg. 259, s. 2.

REPRESENTATION RIGHTS

3. An application for representation rights as bargaining agent shall be made in quadruplicate in Form 4 of Regulation 258 of the Revised Regulations of Ontario, 1990 and shall be accompanied by the statement of the employee organization in Form 1 of the said Regulation, the statement of income and expenditure in Form 2 of the said Regulation and the affidavit in Form 3 of the said Regulation. R.R.O. 1990, Reg. 259, s. 3.

4. (1) The registrar shall serve the applicant with a notice of the fixing of the terminal date for the application in Form 5 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 4 (1).

(2) The registrar shall serve the respondent with,

- (a) a copy of the application;
- (b) a notice of application and of hearing in Form 6 of Regulation 258 of the Revised Regulations of Ontario, 1990; and
- (c) an appropriate number of notices of application in Form 7 of Regulation 258 of the Revised Regulations of Ontario, 1990 for posting. R.R.O. 1990, Reg. 259, s. 4 (2).

5. The applicant shall, not later than the second day after the terminal date for the application, file a declaration concerning membership documents in Form 8 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 5.

6. (1) The respondent shall file a reply in quadruplicate in Form 9 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the terminal date for the application and the reply shall be accompanied by a copy of any existing or recently expired collec-

tive bargaining agreement that is or was recently binding upon the respondent in the bargaining unit claimed by either the application or the respondent to be appropriate. R.R.O. 1990, Reg. 259, s. 6 (1).

(2) The respondent shall file with its reply documents, from among existing employment records, containing the signatures of the employees whose names appear on the list of employees in the bargaining unit arranged as in the Schedule to Form 9 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 6 (2).

(3) The accuracy of the list of employees in the Schedule to Form 9 of Regulation 258 of the Revised Regulations of Ontario, 1990 shall be certified by an officer of the employer or by an officer of the agency of the employer, as the case requires, by his or her signature at the foot or end of the Schedule. R.R.O. 1990, Reg. 259, s. 6 (3).

(4) Where the respondent proposes a bargaining unit different from the one proposed by the applicant, the respondent, or the body representing the respondent, shall indicate on the list of employees in the Schedule to Form 9 of Regulation 258 of the Revised Regulations of Ontario, 1990 the name and classification of any person the respondent proposes should be excluded from, as well as the name and classification of any person the respondent proposes should be added to the bargaining unit proposed by the applicant and shall file with the Tribunal documents containing the signatures of any such additional person. R.R.O. 1990, Reg. 259, s. 6 (4).

7. The registrar shall serve upon any employee organization named in the application or reply as claiming, or known to the registrar as claiming, to be the bargaining agent of or to represent any employees who may be affected by the application a copy of the application and a notice of application in Form 10 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 7.

8. (1) An employee organization that is served with a notice of application or that claims to represent or to be the bargaining agent of any employees who may be affected by the application shall file its intervention, if any, in quadruplicate in Form 11 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the terminal date for the application. R.R.O. 1990, Reg. 259, s. 8 (1).

(2) Where an employee organization referred to in subsection (1) claims to be the bargaining agent of any employees who may be affected by the application and is or was recently bound by a collective agreement with the respondent, it shall file a copy of the collective agreement. R.R.O. 1990, Reg. 259, s. 8 (2).

9. (1) An employee organization desiring representation rights as bargaining agent of employees who may be affected by the application shall file a notice of intervention and application for representation rights in quadruplicate in Form 12 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the terminal date for the application that shall be accompanied by a declaration concerning membership documents in Form 8 of the said Regulation. R.R.O. 1990, Reg. 259, s. 9 (1).

(2) Section 2 does not apply to a notice and application under subsection (1). R.R.O. 1990, Reg. 259, s. 9 (2).

(3) The registrar shall serve the employer with copies of the notice and application filed under subsection (1) for posting. R.R.O. 1990, Reg. 259, s. 9 (3).

EVIDENCE AS TO REPRESENTATION

10. (1) Evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall not be

accepted by the Tribunal on an application for representation rights or for a declaration terminating rights unless the evidence is in writing, signed by the employee or each member of a group of employees, as the case may be, and,

- (a) is accompanied by,
 - (i) the return mailing address of the person who files the evidence, objection or signification, and
 - (ii) the name of the body, if any, representing the employer; and
- (b) is filed not later than the terminal date for the application. R.R.O. 1990, Reg. 259, s. 10 (1).

(2) No oral evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be accepted by the Tribunal except to identify and substantiate the written evidence referred to in subsection (1). R.R.O. 1990, Reg. 259, s. 10 (2).

(3) Any employee or group of employees affected by an application for representation rights or by a declaration of termination of representation rights and desiring to make representations to the Tribunal in opposition to the application may file a statement in writing of such desire in the form prescribed by subsection (1) not later than the terminal date for the application. R.R.O. 1990, Reg. 259, s. 10 (3).

(4) An employee or group of employees who has filed a statement of desire in the form and manner required by this section may appear and be heard at the hearing or at any hearing directed by the Tribunal, in person or by a representative. R.R.O. 1990, Reg. 259, s. 10 (4).

REPRESENTATION VOTES

11. Where the Tribunal directs the taking of a representation vote and refers the matter to the registrar, the registrar may, subject to the provisions of the reference,

- (a) settle the list of employees to be used for the purposes of the vote;
- (b) settle the form of the ballot;
- (c) settle the date and hour for the taking of the vote;
- (d) set the number and location of the polling places;
- (e) prepare notices of the taking of the vote in Form 13 of Regulation 258 of the Revised Regulations of Ontario, 1990 and direct posting thereof by the employer on the employer's premises;
- (f) act as the returning officer or appoint a returning officer;
- (g) appoint such deputy returning officers and poll clerks as the registrar deems necessary;
- (h) give any directions the registrar considers necessary for the disposition of improperly marked ballots and of ballots of persons whose eligibility to vote has been challenged by a party or is in doubt and generally for the proper conduct of the vote;
- (i) take the vote by secret ballot on the premises of the employer during working hours if practicable or, if not practicable, in any other manner or place approved by the Tribunal; and
- (j) direct all interested persons to refrain and desist from propaganda and electioneering during the day or days the vote is taken. R.R.O. 1990, Reg. 259, s. 11.

12. (1) Subject to subsection (2), the returning officer shall, upon the completion of the vote,

- (a) prepare a report of the vote;
- (b) serve a copy of the report together with a notice of the report in Form 14 or 15, as the case requires, of Regulation 258 of the Revised Regulations of Ontario, 1990 upon each of the parties;
- (c) serve the employer with an appropriate number of copies of the report and the notice; and
- (d) file a copy of the report. R.R.O. 1990, Reg. 259, s. 12 (1).

(2) Where the Tribunal or the registrar directs that the ballot box be sealed and that the ballots be not counted pending a further direction by the Tribunal and the Tribunal subsequently directs that the ballots be counted, the returning officer shall, upon completion of the counting of the ballots,

- (a) prepare a report of the vote;
- (b) serve a copy of the report together with a notice of the report in Form 16 of Regulation 258 of the Revised Regulations of Ontario, 1990 upon each of the parties;
- (c) serve the employer with an appropriate number of copies of the report and the notice; and
- (d) file a copy of the report. R.R.O. 1990, Reg. 259, s. 12 (2).

(3) The employer shall post the copies of the report and notice immediately upon their receipt and keep them posted upon the employer's premises in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application until the expiration of the twelfth day after the day on which the returning officer served the employer with copies of the report and the notice. R.R.O. 1990, Reg. 259, s. 12 (3).

(4) Immediately after the employer has posted the copies of the report and notice under subsection (3), the employer or the body shall file a return of posting in Form 17 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 12 (4).

13. (1) Subject to subsection (3), where a representation vote is taken,

- (a) a party; or
- (b) any employee or representative of a group of employees,

who desires to make representations as to any matter relating to the representation vote, or as to the accuracy of the report of the returning officer, or as to the conclusions the Tribunal should reach in view of the report, shall file a statement of desire as mentioned in Form 14 or 15, as the case may be, of Regulation 258 of the Revised Regulations of Ontario, 1990 on or before the last day for the posting of the copies of the report and notices under subsection 12 (3). R.R.O. 1990, Reg. 259, s. 13 (1).

(2) Where a representation vote is taken in connection with a direction that the ballot box be sealed and the Tribunal subsequently directs that the ballots be counted,

- (a) a party; or
- (b) any employee or representative of a group of employees, who desires to make representations as to the accuracy of the report of the returning officer on the counting of the ballots or the conclusions the Tribunal should reach in view of the report,

shall file a statement of desire as mentioned in Form 16 of Regulation 258 of the Revised Regulations of Ontario, 1990, on or before

the last day of the posting of the copies of the report and notices under subsection 12 (3). R.R.O. 1990, Reg. 259, s. 13 (2).

(3) Upon receiving a statement of desire to make representation in the form and manner required by this section that contains a statement that a party or any employee or representative of a group of employees desires a hearing before the Tribunal, the registrar shall serve a notice of hearing in Form 18 of Regulation 258 of the Revised Regulations of Ontario, 1990 upon each of the parties to the proceedings and upon each person who has filed a statement. R.R.O. 1990, Reg. 259, s. 13 (3).

(4) Where no statement of desire to make representations has been filed in the form and manner required by this section, or no such statement that has been filed states that a party, employee or representative of a group of employees desires a hearing before the Tribunal, the Tribunal may dispose of the application upon the material then before it without further notice to any party or to the employees. R.R.O. 1990, Reg. 259, s. 13 (4).

INQUIRY OFFICERS

14. (1) In this section,

"inquiry officer" means a person, other than a person making an inquiry under section 32 of the Act, authorized by the Tribunal to inquire into and report upon any matter arising out of a proceeding before the Tribunal. R.R.O. 1990, Reg. 259, s. 14 (1).

(2) An inquiry officer shall file his or her report immediately upon its completion and where the Tribunal so directs, the registrar shall serve upon each of the parties to the proceeding and, in the case of an application for representation rights or for a declaration terminating bargaining rights, upon any employee or representative of a group of employees who appeared at the hearing of the application, a copy of the report and a notice of the report in Form 19 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 14 (2).

(3) Any person who is served with a notice of the report and desires to make representations concerning the report shall file a statement of desire as mentioned in Form 19 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the twelfth day after,

- (a) the day on which the registrar served the notice of the report, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of the report, where it was served by mail. R.R.O. 1990, Reg. 259, s. 14 (3).

(4) Where no statement of desire to make representations has been filed in the form and manner required by subsection (3), or any such statement that has been filed does not state that a party, employee or representative of a group of employees desires a hearing before the Tribunal, the Tribunal may dispose of the application upon the material before it without further notice to any party or to the employees. R.R.O. 1990, Reg. 259, s. 14 (4).

(5) Where a statement of desire to make representations is filed in the form and manner required by this section and the person filing the statement states that the person desires a hearing, or where the Tribunal so directs, the registrar shall serve each of the parties to the proceedings with a notice of hearing in Form 18 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 14 (5).

TERMINATION OF REPRESENTATION RIGHTS

15. An application for a declaration of termination of representation rights shall be made in quadruplicate in Form 20 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 15.

16. (1) The registrar shall serve the applicant with a notice of the fixing of the terminal date for the application in Form 5 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 16 (1).

(2) The registrar shall serve the respondent with,

- (a) a copy of the application; and
- (b) a notice of application and of hearing in Form 21 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 16 (2).

(3) The registrar shall serve the employer with an appropriate number of notices of application in Form 22 of Regulation 258 of the Revised Regulations of Ontario, 1990 for posting. R.R.O. 1990, Reg. 259, s. 16 (3).

17. A respondent shall file a reply in quadruplicate in Form 23 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the terminal date for the application. R.R.O. 1990, Reg. 259, s. 17.

18. (1) Where the application is made by a person other than the employer, the registrar shall serve the employer with a copy of the application and a notice of application and of hearing in Form 24 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 18 (1).

(2) The employer, when a copy of an application and a notice of application and of hearing are served as set out in subsection (1) shall file an intervention, if any, in quadruplicate in Form 11 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the terminal date for the application. R.R.O. 1990, Reg. 259, s. 18 (2).

(3) Where the employer files an intervention, the employer shall file,

- (a) a list arranged as in the Schedule to Form 24 of Regulation 258 of the Revised Regulations of Ontario, 1990 of all employees in the bargaining unit described in the application as at the date when the application was made; and
- (b) documents arranged in alphabetical order from among existing employment records containing signatures of the employees whose names appear on the list referred to in clause (a),

and the accuracy of the list of employees shall be certified by an officer of the employer or by an officer of the agency of the employer, as the case requires, by his or her signature at the foot or end of the list. R.R.O. 1990, Reg. 259, s. 18 (3).

EXEMPTION FROM PAYMENT OF DUES OR CONTRIBUTIONS TO AN EMPLOYEE ORGANIZATION PROVISIONS OF A COLLECTIVE AGREEMENT

19. (1) An application for exemption from a payment of dues or contributions to an employee organization provision in a collective agreement on the grounds of religious conviction or belief shall be made in quadruplicate in Form 25 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 19 (1).

(2) Section 2 does not apply to an application under subsection (1). R.R.O. 1990, Reg. 259, s. 19 (2).

20. The registrar shall serve the employee organization and the employer or the body that represents the employer, as the case requires, with a copy of the application and a notice of application and of hearing in Form 26 of Regulation 258 of the Revised Regulations of Ontario, 1990 and shall serve the applicant with a notice of hearing in Form 18 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 20.

21. (1) The employee organization and the employer or the body that represents the employer, as the case requires, shall file their

replies in quadruplicate in Form 27 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the twelfth day after,

- (a) the day on which the registrar served the notice of application and of hearing, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of application and of hearing, where it was served by mail. R.R.O. 1990, Reg. 259, s. 21 (1).

(2) Each reply shall be accompanied by a copy of the collective agreement in operation between the employee organization and employer at the date of the application. R.R.O. 1990, Reg. 259, s. 21 (2).

COMPLAINT UNDER SECTION 32 OF THE ACT

22. A complaint under section 32 of the Act shall be made in quadruplicate in Form 28 or 29, as the case requires, of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 22.

23. Where the Tribunal authorizes an investigator to inquire into a complaint, the investigator shall deliver a copy of the complaint to,

- (a) the person against whom the complaint is made;
- (b) each interested person named in the complaint; and
- (c) such other persons as the Tribunal may direct. R.R.O. 1990, Reg. 259, s. 23.

24. (1) Where the Tribunal inquires into the complaint by means of a hearing by the Tribunal, the registrar shall serve,

- (a) the complaint;
- (b) the person against whom the complaint is made;
- (c) each interested person named in the complaint; and
- (d) such other persons as the Tribunal may direct,

with a notice of hearing in Form 18 of Regulation 258 of the Revised Regulations of Ontario, 1990 and where a copy of the complaint has not been previously served upon such persons other than the complainant the registrar shall also serve a copy of the complaint upon them. R.R.O. 1990, Reg. 259, s. 24 (1).

(2) Where the Tribunal, pursuant to clause 41 (1) (d) of the Act, authorizes an adjudicator to inquire into the complaint and report to the Tribunal, the registrar shall serve,

- (a) the complainant;
- (b) the person against whom the complaint is made;
- (c) each interested person named in the complaint; and
- (d) such other person as the Tribunal may direct,

with a notice of inquiry in Form 30 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 24 (2).

(3) The person against whom the complaint is made shall file a reply, if any, in quadruplicate in Form 31 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the twelfth day after,

- (a) the day on which the registrar served the notice of hearing or inquiry, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice or inquiry, where it was served by mail. R.R.O. 1990, Reg. 259, s. 24 (3).

(4) A person, other than the person against whom the complaint is made, who has been served with a copy of the complaint and

notice of hearing, shall file an intervention, if any, in quadruplicate in Form 32 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the twelfth day after,

- (a) the day on which the registrar served the notice of hearing or inquiry, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of hearing or inquiry, where it was served by mail. R.R.O. 1990, Reg. 259, s. 24 (4).

25. (1) The registrar shall serve a copy of the report of an adjudicator or investigator authorized to inquire into the complaint, together with a notice of the report in Form 33 of Regulation 258 of the Revised Regulations of Ontario, 1990, upon each of the persons served with the notice of inquiry. R.R.O. 1990, Reg. 259, s. 25 (1).

(2) Any person served with the notice of inquiry who desires to make representation concerning the report shall file a statement of desire as mentioned in Form 33 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the twelfth day after,

- (a) the day on which the registrar served the person with the notice of report, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of report to the person, where it was served by mail. R.R.O. 1990, Reg. 259, s. 25 (2).

(3) Where the registrar receives a statement of desire to make representations in the form and manner required by this section, or where the Tribunal so directs, the registrar shall serve each of the persons served with a notice of inquiry with a notice of hearing by the Tribunal in Form 18 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 25 (3).

DECLARATION AS TO STRIKE OR LOCK-OUT

26. (1) An application for a declaration that an employee organization has declared or authorized a strike or that employees are engaging in a strike shall be made in quadruplicate in Form 34 or 35, as the case requires, of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 26 (1).

(2) An application for a declaration that the employer has declared or authorized a lock-out or is engaging in a lock-out shall be made in quadruplicate in Form 36 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 26 (2).

(3) Section 2 does not apply to an application under subsection (1) or (2). R.R.O. 1990, Reg. 259, s. 26 (3).

27. The registrar shall serve each respondent with,

- (a) a copy of the application; and
- (b) a notice of application and of hearing in Form 37 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 27.

28. A respondent may reply by filing a reply in quadruplicate in Form 38 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the sixth day after,

- (a) the day on which the registrar served the respondent with the notice of application, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of application to the respondent, where it was served by mail. R.R.O. 1990, Reg. 259, s. 28.

CONSENT TO INSTITUTE PROSECUTION

29. (1) An application for consent to institute a prosecution shall be made in quadruplicate in Form 39 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 29 (1).

(2) Section 2 does not apply to an application under subsection (1). R.R.O. 1990, Reg. 259, s. 29 (2).

(3) The registrar shall serve each respondent with,

(a) a copy of the application; and

(b) a notice of application and of hearing in Form 37 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 29 (3).

30. A respondent may reply by filing a reply in quadruplicate in Form 40 of Regulation 258 of the Revised Regulations of Ontario, 1990 not later than the sixth day after,

(a) the day on which the registrar served the respondent with the notice of application, where it was served personally; or

(b) the day immediately following the day on which the registrar mailed the notice of application to the respondent, where it was served by mail. R.R.O. 1990, Reg. 259, s. 30.

PARTICULARS

31. (1) Where a person intends to allege, at the hearing of an application or complaint, improper or irregular conduct by any person, the person shall,

(a) include in the application or complaint; or

(b) file a notice of intention that shall contain,

a concise statement of the material facts, actions and omissions upon which the person intends to rely as constituting such improper or irregular conduct, including the time when and the place where the actions or omissions complained of occurred and the names of the persons who engaged in or committed them, but not the evidence by which the material facts, actions or omissions are to be proved, and, where the person alleges that the improper or irregular conduct constitutes a violation of any provision of the Act, the person shall include a reference to the section or sections of the Act containing such provision. R.R.O. 1990, Reg. 259, s. 31 (1).

(2) Where, in the opinion of the Tribunal a person has not filed notice of intention promptly upon discovering the alleged improper or irregular conduct, the person shall not adduce evidence at the hearing of the application of such facts, except with the consent of the Tribunal and, if the Tribunal considers it advisable to give such consent, it may do so upon such terms and conditions as it considers advisable. R.R.O. 1990, Reg. 259, s. 31 (2).

(3) Where a statement in an application or complaint or in any document in respect of the application or complaint is so indefinite or incomplete as to hamper any person in the preparation of the person's case, the Tribunal may, upon the request of the person made promptly upon receipt of the application, complaint or document, direct that the information stated be made specific or complete and, if the person so directed fails to comply with the direction, the Tribunal may strike the statement from the application, complaint or document. R.R.O. 1990, Reg. 259, s. 31 (3).

(4) No person shall adduce evidence at the hearing of an application or complaint of any material fact that has not been included in the application or complaint or in any document in respect of the application or complaint, except with the consent of the Tribunal and, if the Tribunal considers it advisable to give such consent, it may do so upon such terms and conditions as it considers advisable. R.R.O. 1990, Reg. 259, s. 31 (4).

SERVICE

32. Where a notice of hearing in Form 18 of Regulation 258 of the Revised Regulations of Ontario, 1990 is required to be served, it shall be served not less than four days before the day fixed for the hearing. R.R.O. 1990, Reg. 259, s. 32.

33. (1) Where a document is required to be filed by these Rules, filing shall be deemed to be made,

(a) at the time it is received by the Board; or

(b) where it is mailed by registered mail addressed to the Tribunal at its office, at the time it is mailed. R.R.O. 1990, Reg. 259, s. 33 (1).

(2) Where a document is required to be served by these Rules, the service may be made,

(a) in person;

(b) by mail addressed to the recipient at the recipient's address for service or last-known or usual address or at the recipient's principal office or place of business referred to in an application, complaint, intervention or reply in the proceeding;

(c) upon the direction of the Tribunal where the Tribunal considers it necessary in the interests of justice, by,

(i) telegram addressed to the recipient at the recipient's address for service or last-known or usual address or at the recipient's principal office or place of business referred to in an application, complaint, intervention or reply in the proceeding, or

(ii) publication in a newspaper or public broadcast by radio or television having general circulation or reception in the area of the recipient's address for service or last-known or usual address or the recipient's principal office or place of business referred to in an application, complaint, intervention or reply in the proceeding,

and a written, typewritten or printed copy of the document shall be given to the recipient if the recipient makes personal application therefor. R.R.O. 1990, Reg. 259, s. 33 (2).

34. (1) The registrar shall serve each of the parties to a proceeding with a copy of each reply, intervention, intervener's application for representation rights, statement of desire to make representations or notice of intention to make allegations of improper or irregular conduct, filed in the proceeding. R.R.O. 1990, Reg. 259, s. 34 (1).

(2) Upon receipt of a statement of desire by an employee or a group of employees to make representations in opposition to an application under these Rules, the registrar shall inform in writing the applicant, the respondent and the intervener, if any, of the nature thereof. R.R.O. 1990, Reg. 259, s. 34 (2).

35. (1) Where the registrar serves the employer with notices of application for posting, the employer shall post the notices immediately upon their receipt and keep them posted upon the employer's premises in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application until the expiration of the terminal date for the application. R.R.O. 1990, Reg. 259, s. 35 (1).

(2) Immediately after the employer has posted the notices under subsection (1) the employer shall file a return of posting in Form 17 of Regulation 258 of the Revised Regulations of Ontario, 1990. R.R.O. 1990, Reg. 259, s. 35 (2).

36. Where an employee organization that makes an application for representation rights or that files an intervention has not been found by the Tribunal to be an employee organization within the meaning of the definition of "employee organization" as set out in subsection 1 (1) of the Act in a previous proceeding under the Act, the registrar shall serve upon the parties to the application and upon any employee organization upon whom the registrar is required to effect service under section 7 of these Rules a notice to that effect and shall also attach such a notice to any notice to employees of the making of an application that an employer is required to post under section 4 or 9 of these Rules. R.R.O. 1990, Reg. 259, s. 36.

GENERAL

37. The Tribunal may direct that any person be added as a party to a proceeding or be served with any document, as the Tribunal considers advisable. R.R.O. 1990, Reg. 259, s. 37.

38. The Tribunal may dispose of any application or complaint without further notice to anyone who has not filed a document in the proceeding in the form and manner prescribed by these Rules. R.R.O. 1990, Reg. 259, s. 38.

39. Where the Tribunal considers it necessary, it may at any time direct that a proceeding before the Tribunal be consolidated with any other proceeding before the Tribunal and it may issue such directions in respect of the conduct of the consolidated proceeding as it considers advisable. R.R.O. 1990, Reg. 259, s. 39.

40. (1) The Tribunal may, if it considers it advisable in the interests of justice, adjourn any hearing for such time and to such place and upon such terms as it considers fit. R.R.O. 1990, Reg. 259, s. 40 (1).

(2) The Tribunal may, upon such terms as it considers advisable, enlarge the time prescribed by these Rules for doing any act, serving any notice, filing any report, document or paper or taking any proceeding and may do so although application therefor is not made

until after the expiration of the time prescribed. R.R.O. 1990, Reg. 259, s. 40 (2).

(3) Where it is satisfied that it is necessary or convenient in the public interest, the Tribunal may abridge the time prescribed by these Rules for doing any act, serving any notice, filing any report, document or paper or taking any proceeding. R.R.O. 1990, Reg. 259, s. 40 (3).

41. An application, reply, intervention, complaint, statement or desire to make representations or notice may be amended before or at the hearing by leave of the Tribunal upon such terms and conditions as the Tribunal considers advisable. R.R.O. 1990, Reg. 259, s. 41.

42. No proceeding under these Rules is invalid by reason of any defect in form or of any technical irregularity. R.R.O. 1990, Reg. 259, s. 42.

43. The decisions, declarations, determinations, directions, orders and rulings of the Tribunal shall be signed on behalf of the Tribunal by the chair or an adjudicator. R.R.O. 1990, Reg. 259, s. 43.

44. Procedure not prescribed is governed by analogy to these Rules. R.R.O. 1990, Reg. 259, s. 44.